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TRANSFER OF THE U.S. CUSTOM HOUSE IN NEW YORK CITY TO THE MUSEUM OF THE AMERICAN INDIAN

HEARING

BEFORE THE

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

FEBRUARY 12, 1987

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TRANSFER OF THE U.S. CUSTOM HOUSE IN NEW YORK CITY TO THE MUSEUM OF THE AMERICAN INDIAN

THURSDAY, FEBRUARY 12, 1987

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON WATER RESOURCES,
TRANSPORTATION, AND INFRASTRUCTURE,
New York, NY.

The subcommittee met, pursuant to notice, at 9:30 a.m. in the Ceremonial Court Room of the Court of International Trade, New York, NY, Hon. Daniel Patrick Moynihan (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator MOYNIHAN. Good morning. This is a hearing of the Senate Subcommittee that oversees public works projects in general and public buildings in particular. This is a meeting of the Subcommittee on Water Resources, Transportation, and Infrastructure of the Senate Committee on Environment and Public Works.

We are greatly pleased to have with us, at least briefly, Judge Brieant, who we all admire and look to for so many services as chief judge in Southern District; my dear friend and a representative of this area, Representative Ted Weiss, who is here. My colleague and distinguished associate, Senator D'Amato, will be here in good time.

I have a statement which I will include in the record, and in summary, I want to state that it seems to me the work at hand is three fold:

The first is how to retain the Museum of the American Indian in New York, in facilities that will permit the study, preservation and display of its splendid collection, in buildings appropriate for such a collection and also to be accessible to New Yorkers.

I think it is perhaps not always understood how extraordinary this collection is. In a very elegant profile of George Heye that appeared in The New Yorker some years ago, one of Dr. Force's predecessors, Dr. Dockstader, is quoted as saying:

> There are hundreds of years of profitable research and discovery still to be put in on this collection.

If I can just enter a remark. My wife, as it happens, is an archaeologist. And part of the professional discipline has evolved from the time when you found a mound or a site of any kind anywhere, you

immediately dug it all up, reported everything you found or sold everything, whatever the case might be. But amongst the professions now, it is the increasing practice only to open a portion of an archaeological site in the certain knowledge that two and three and four and five generations hence there will be knowledge advanced to the point where you will learn more from what you discover than if you just plowed on.

I think it is to be remembered that we have an archieve here which is singular in the world in that there is no ethnological collection comparable. The collection is of the aborigines of the Western Hemisphere. The collection ranges from Point Barrow to Tierra Del Fuego. It has the potential of extraordinary research, enterprise for several centuries to come. Something to be clear in this regard.

Our second purpose is: How to retain the integrity and the independence of the museum which was left us by the Heye Foundation.

And third, if we are going to use the Custom House for these ends, the question arises: How to provide a suitable building for the Bankruptcy Court, which will soon be located temporarily in the Custom House. By suitable building, I think something more than a box where the roof doesn't leak.

I recall Paul Goldberger's remark that:

> When you look at the Federal Office Building in Foley Square and contemplate it, it is possible to believe that maybe the Federal Government does have it in for New York City after all.

We will expect something more ourselves. The Custom House, although not built clearly as a museum, but a distinctive work of Castile work, has a certain felicity to it in terms of its site. It can't be more than 10 yards in either direction—and may be the exact site in which in 1926 Peter Minuit traded in $24 worth of beads and whatnot to the Canarsee Indians, who paddled across from Long Island. Beginning a long tradition on Wall Street, they sold something they didn't own.

The proper Manhattans are, I think the anthropologists now say, the Kitchawonk Tribe. I don't know. The Indians may say other things.

Kitchawonk is a town not far from Ossining.

They were lurking up on the north Hudson path. That's the path of the forest which we call Broadway. They were up just about on Audubon Terrace, where the museum now is. I would like to say simply that as we contemplate the move to Custom House, and the provision of that facility for the Museum of the American Indian, then certainly, in my view—and I would just like to be explicit about this, so there is no point of somebody considering any alternative. My view is this: This only can be done on the condition that the museum at Audubon Terrace be maintained. That's where the original site was. It will remain open as long as the Custom House remains open. I want that to be understood. I will hear opposite views but I hope I won't hear many.

The thought occurs this collection is so extraordinary there ought to be more than one satellite center. I think Texas deserves some favorable consideration, particularly Mr. Perot's generous

offer. I consider this will only become legislation if it is passed in the House of Representatives under the auspices of the distinguished Chairman of the Committee on Indian Affairs there. Then I think Arizona might be a proper site as well. Those are my remarks.

[Senator Moynihan's written statement follows:]

FROM THE OFFICE OF

Senator Daniel Patrick Moynihan

New York

STATEMENT OF SENATOR MOYNIHAN

CUSTOM HOUSE HEARING
FEBRUARY 12, 1987, NEW YORK CITY

SUBCOMMITTEE ON
WATER RESOURCES, TRANSPORTATION AND INFRASTRUCTURE

U.S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

AS CHAIR OF THE SENATE SUBCOMMITTEE WHICH OVERSEES PUBLIC WORKS PROJECTS IN GENERAL, AND PUBLIC BUILDINGS IN PARTICULAR, I CALLED THIS HEARING TO ALLOW INTERESTED PARTIES TO SHARE THEIR VIEWS ON THE PROPOSED TRANSFER OF THE U.S. CUSTOM HOUSE TO THE MUSEUM OF THE AMERICAN INDIAN.

AS MOST OF THOSE HERE ASSEMBLED KNOW, THE SEARCH FOR FURTHER FACILITIES FOR THE MAGNIFICENT COLLECTION OF THE MUSEUM OF THE AMERICAN INDIAN HAS EVOKED GREAT INTEREST AND SUPPORT, BRINGING TOGETHER SUCH DIVERSE INSTITUTIONS AND PERSONS AS THE PRESIDENT OF THE UNITED STATES, THE GOVERNOR OF NEW YORK, THE MAYOR OF NEW YORK CITY, THE SUPREME COURT OF NEW YORK, THE MUSEUM OF NATURAL HISTORY, THE NEW YORK STATE BOARD OF REGENTS, THE NEW YORK LANDMARKS CONSERVANCY, THE GENERAL SERVICES ADMINISTRATION, THE U.S. BANKRUPTCY COURTS, MR. DAVID ROCKEFELLER AND H. ROSS PEROT.

THE PROBLEM WE FACE IS, I BELIEVE, AS FOLLOWS:

1. HOW TO RETAIN THE MUSEUM OF THE AMERICAN INDIAN IN NEW YORK IN FACILITIES THAT WILL PERMIT THE STUDY, PRESERVATION AND DISPLAY OF ITS SPLENDID COLLECTION IN BUILDINGS APPROPRIATE FOR SUCH A COLLECTION AND ACCESSIBLE TO NEW YORKERS.
2. HOW TO RETAIN THE INTEGRITY AND INDEPENDENCE OF THE MUSEUM AS A UNIQUE INSTITUTION.
3. HOW TO PROVIDE A NEW BUILDING FOR THE BANKRUPTCY COURTS, SOON TO BE LOCATED, TEMPORARILY, IN THE CUSTOM HOUSE.

I HAVE INVITED MY DISTINGUISHED COLLEAGUES SENATOR D'AMATO AND REPRESENTATIVE WEISS TO JOIN ME IN HEARING THE TESTIMONY TODAY, KNOWING THAT THEY SHARE MY WISH TO SETTLE THIS MATTER.

THE RENOVATION OF THE CUSTOM HOUSE ITSELF IS NEARING COMPLETION. THE ENVIRONMENT AND PUBLIC WORKS COMMITTEE, AT MY URGING, APPPROVED FUNDS FOR ITS RENOVATION IN 1979. THE CUSTOM HOUSE, DESIGNED BY CASS GILBERT AND COMPLETED IN 1907, IS A SPLENDID EXAMPLE OF THE BEAUX-ARTS STYLE.

DANIEL CHESTER FRENCH CREATED THE FOUR MASSIVE WHITE LIMESTONE SCULPTURES THAT GRACE THE FRONT OF THE BUILDING. THEY REPRESENT THE CONTINENTS--ASIA, AFRICA, EUROPE AND AMERICA. AND THE FIGURE REPRESENTING THE AMERICAN CONTINENT FEATURES THE HEAD OF QUETZALCOATL, THE FEATHERED SERPENT DEITY OF THE TOLTECS AND AZTECS, AS WELL AS A PLAINS INDIAN CHIEF AND A NORTHWEST COAST TOTEM POLE.

ALLOW ME, THEN, A BRIEF REVIEW OF THE CIRCUMSTANCES WHICH SURROUND THIS HEARING.

HISTORY AND IMPORTANCE OF THE MUSEUM'S COLLECTION

THE MUSUEM OF THE AMERICAN INDIAN HAS THE MOST IMPORTANT ETHNOLOGICAL COLLECTION IN THE WORLD. THE MANDATE OF THE MUSEUM IS TO COLLECT, STUDY, PRESERVE AND EXHIBIT ALL THINGS CONNECTED WITH THE ABORIGINAL PEOPLES OF NORTH, CENTRAL, AND SOUTH AMERICA.ITS COLLECTION OF NEARLY ONE MILLION ARTIFACTS EXTENDS GEOGRAPHICALLY FROM POINT BARROW TO TIERRA DEL FUEGO: THE ENTIRE WESTERN HEMISPHERE. THE COLLECTION EXTENDS TEMPORARILY FROM PREHISTORIC TO CONTEMPORARY TIMES, ENCOMPASSING THE GREAT CIVILIZATIONS OF THE NEW WORLD (SUCH AS THE INCAS, AZTECS AND

MAYANS), TO REMOTE FOREST TRIBES IN THE AMAZON AND TO ESKIMOS IN THE ARCTIC. SOME OF THE COLLECTION'S STRENGTHS INCLUDE:

- FINE CARVING IN WOOD, HORN AND STONE FROM THE INDIANS OF THE NORTHWEST COAST OF NORTH AMERICA;
- KACHINA DANCE MASKS AND DOLLS FROM THE AMERICAN SOUTHWEST
- ARCHAEOLOGY FROM THE CARRIBEAN
- CALIFORNIA ETHNOLOGY
- TEXTILES FROM PERU, MEXICO AND THE NAVAJO
- BASKETRY FROM THE AMERICAN SOUTHEAST AND SOUTHWEST AND PERU
- SOPHISTICATED GOLDWORK FROM COLOMBIA, MEXICO AND PERU
- JADE FROM THE OLMEC AND MAYA
- AZTEC MOSAICS
- BRILLIANT FEATHERWORK FROM THE AMAZON AND PERU
- PAINTED HIDES AND COSTUMES FROM THE NORTH AMERICAN PLAINS
- 80,000 PHOTOGRAPHIC NEGATIVES AND PRINTS
- A 40,000 VOLUME LIBRARY

HISTORY OF THE CONTINENT'S INDIANS

IN THE WANING PLEISTOCENE ICE AGE, SMALL BANDS OF HARDY MEN AND WOMEN CROSSED INTO THE NEW WORLD, IN PURSUIT OF GAME, OVER A BROAD LAND BRIDGE THAT CONNECTED ASIA WITH ALASKA. ALTHOUGH THERE IS EVIDENCE THAT HE MAY HAVE ARRIVED SOONER, THE EARLIEST DATE FOR MAN'S PRESENCE IN THE NEW WORLD FOR WHICH WE HAVE CLEAR EVIDENCE IS LESS THAN 20,000 YEARS AGO.

UNTIL THAT TIME, NO HUMAN HAD SET FOOT ON THE WESTERN HEMISPHERE. ALTHOUGH THEY SHARED A COMMON ORIGIN FROM THE FIRST PEOPLE TO CROSS THAT LAND BRIDGE, THE PEOPLES WE CALL NATIVE AMERIANS, INDIANS, AND ESKIMOS BECAME EXCEEDINGLY DIVERSE

CULTURALLY, LINGUISTICALLY, AND PHYSICALLY. IN NORTH AMERICA ALONE IT IS ESTIMATED THAT IN THE 16TH CENTURY WHEN EUROPEAN SETTLERS BEGAN TO ARRIVE, THE NATIVES SPOKE 500-600 LANGUAGES. PERHAPS HALF OR MORE OF THESE ARE NOW EXTINCT.

THE ENORMOUS DIVERSIFICATION THAT TYPIFIES NATIVE AMERICANS REQUIRED BOTH THE PASSAGE OF TIME AND THE RELATIVE ISOLATION OF GROUPS SO THAT UNIQUE FEATURES OF CULTURE, LANGUAGE AND PHYSICAL CHARACTER COULD DEVELOP IN DIFFERENT WAYS.

GEORGE GUSTAV HEYE

THE MUSEUM IS A TRIBUTE TO THIS RICH AND DIVERSIFIED CULTURE. AS KEVIN WALLACE OF THE NEW YORKER WROTE IN 1960,"...THE MOST REMARKABLE ASPECT OF THE HEYE COLLECTION IS ITS COMPREHENSIVENESS; IT IS SO COMPLETE, IN FACT, THAT IN MANY CASES A STUDENT SEEKING A PH.D IN THE FIELD OF INDIAN MATERIAL CULTURE NOT ONLY COULD DO ALL HIS FIELD WORK WITHIN NEW YORK CITY, BUT MIGHT HAVE NO OTHER CHOICE.'

WHO WAS GEORGE GUSTAV HEYE, THE COLLECTOR AND BENEFACTOR OF THE MUSEUM WHO BEGAN COLLECTING IN 1897 AND EMPLOYED SCORES OF ANTHROPOLOGISTS TO DIRECT EXPEDITIONS ALL OVER THE AMERICAN CONTINENT UNTIL HIS DEATH IN 1957? HE MANAGED TO OBTAIN THE WAMPAUM BELTS THAT WILLIAM PENN RECEIVED FROM THE LENAPE TRIBE TO SECURE THE BARGAIN HE MADE FOR PENNSYLVANIA; THE RIFLES WHICH THE US. ARMY TOOK AWAY FROM GERONIMO, RAIN-IN-THE-FACE, CHIEF JOSEPH, NAHCHE, AND SITTING BULL, AND SCORES OF OTHER ARTIFACTS.

GEORGE G. HEYE WAS A SECOND-GENERATION GERMAN-AMERICAN. HIS FATHER, CARL GUSTAV FRIEDERICH HEYE, DEVELOPED A REFINERY AND PIPELINE IN OIL CITY, PENNSYLVANIA. IN THE 1870'S THE ELDER HEYE

SOLD HIS REFINERY TO JOHN D. ROCKEFELLER IN A DEAL THAT INCLUDED STOCK IN STANDARD OIL AND A JOB WHICH EVENTUALLY MADE HIM HEAD OF STANDARD OIL'S EXPORT DEPARTMENT.

GEORGE GRADUATED FROM THE OLD COLUMBIA SCHOOL OF MINES, CLASS OF '96. AFTER GRADUATION HE WENT WEST TO A RAILROAD CONSTRUCTION JOB NEAR KINGMAN, ARIZONA, WHERE AT THE AGE OF 23 HE ENCOUNTERED HIS FIRST INDIAN. HE BOUGHT A DEERSKIN SHIRT FROM THE WIFE OF ONE OF HIS INDIAN FOREMEN. IN HIS WORDS, "NATURALLY, WHEN I HAD A SHIRT I WANTED A RATTLE AND MOCCASINS. AND THEN THE COLLECTING BUG SEIZED ME AND I WAS LOST."

LOST, YOU MIGHT SAY, AND FOUND. WITH THE ENCOURAGEMENT OF EXPERTS SUCH AS DR. MARSHALL H. SAVILLE, A COLUMBIA ARCHAEOLOGIST, BY 1904 HE BEGAN HIS COLLECTING EXPEDITIONS. IN 1912, HE PUT HIS FORTUNE INTO PUBLIC UTILITY STOCKS, AND DEVOTED HIMSELF FULLTIME TO HIS COLLECTING.

HEYE WAS FOND OF DRIVING CROSS COUNTRY, STOPPING AT SMALL TOWNS TO PERUSE ESTATES OF RECENTLY DECEASED CITIZENS WHICH CONTAINED INDIAN ARTIFACTS. HE ALSO VISITED RESERVATIONS WHERE HE BOUGHT ITEMS BY THE "BOXCAR METHOD," A TERM USED FOR COLLECTORS THAT BUY NOT JUST A FEW FINE EXAMPLES OF ART OR CRAFT, BUT A CARLOAD CONTAINING AN ASSORTMENT OF EVERYTHING. THIS HAS PROVED VERY VALUABLE TO SCHOLARS WHO NEED TO EXAMINE EVERYDAY ITEMS FROM A CULTURE, AS WELL AS UNUSUAL ONES, IN ORDER TO ASSEMBLE A COMPLETE HISTORICAL RECORD.

HUNTINGTON'S PROJECT AT AUDUBON TERRACE

BY 1915, HEYE NEEDED MORE SPACE FOR HIS TREASURES. ARCHER M. HUNTINGTON, SON OF RAILROAD BUILDER COLLIS P. HUNTINGTON,HAD A

LARGE AMOUNT OF PROPERTY NEAR THE OLD JOHN JAMES AUDUBON FARM UPTOWN, IN WHAT IS NOW HARLEM. HUNTINGTON WANTED TO CONTRIBUTE TO THE AREA'S DEVELOPMENT, SO HE BEGAN A PROJECT OF GIVING LAND, MONEY AND ARCHTECTURAL PLANS TO SPECIALIZED INSTITUTIONS THAT WOUD ASSEMBLE RESEARCH MATERIALS FOR USE BY SCHOLARS. HEYE EMBRACED THIS CONCEPT IMMEDIATELY, AND FORMED THE HEYE FOUNDATION. HUNTINGTON AND HEYE TOGETHER BUILT THE BUILDINGS ALONG AUDUBON TERRACE THAT TODAY HOUSE THE MUSEUM AS WELL AS OTHER SCHOLARLY ENDEAVORS:

- THE HISPANIC SOCIETY OF AMERICA
- THE NUMISMATIC SOCIETY OF AMERICA
- AMERICAN ACADEMY OF ARTS AND LETTERS
- BORICA COLLEGE
- NATIONAL INSTITUTE OF ARTS AND LETTERS

THE EXISTING MUSEUM AT AUDUBON TERRACE MUST REMAIN OPEN. THIS WILL BE A PRECONDITION OF ANY LEGISLATION I WILL MOVE IN THE SENATE.

THE PRESENT MUSEUM BUILDING IS SMALL, TO BE SURE, BUT BEAUTIFUL. IT IS PART OF A MARVELOUS AND THRIVING COMPLEX OF CULTURAL INSTITUTIONS IN A MARVELOUS AND THRIVING NEIGHBORHOOD.

THERE WILL BE NO LEAVING HARLEM, PERIOD.

ON THIS MATTER I HAVE GIVEN MY WORD TO THE HONORABLE HERMAN D. FARRELL, JR., CHAIRMAN OF THE COMMITTEE ON BANKS OF THE NEW YORK STATE ASSEMBLY.

AS CONDITION OF RECEIVING THE CUSTOMS HOUSE WE MUST REQUIRE THE MUSEUM TO MAINTAIN ITS PRESENT SITE AS AN ACTIVE EXHIBIT CENTER, WITH A PERIODICALLY CHANGED EXHIBIT.

MIND, ONE CAN ENVISAGE A TIME WHEN THERE COULD BE HALF A DOZEN SUCH SATELLITE FACILITIES ACROSS THE NATION. IT WOULD SEEM PARTICULARLY APPROPRIATE TO LOCATE ONE IN TEXAS, GIVEN MR. PEROT'S GENEROUS INTEREST AND OFFER, AND OF COURSE IN ARIZONA GIVEN CHAIRMAN UDALL'S INDISPENSABLE ASSISTANCE IN EVERYTHING WE DO.

(TO THOSE NOT FAMILIAR WITH MUSEUMS, A COLLECTION OF THIS SIZE CAN NEVER DISPLAY MORE THAN THE TIP OF ITS ICEBERG, NO MATTER HOW MAY CENTERS IT MAY ESTABLISH.)

CURRENTLY THE MUSEUM'S COLLECTIONS AND LIBRARY ARE SPREAD OVER THREE SEPARATED, CROWDED FACILITIES;

1. THE BUILDING ON AUDUBON TERRACE IN WEST HARLEM (BROADWAY AT 155TH ST)THIS HOUSES THE PUBLIC EXHIBITION GALLERIES AND ADMINISTRATIVE OFFICES.
2. THE RESEARCH BUILDING (3401 BRUCKNER BLVD.,THE BRONX) THIS HOUSES THE CURATORIAL OFFICES, CONSERVATION FACILITIES, LABORATORIES AND THE BULK OF THE ARTIFACT COLLECTION. IT IS NOT OPEN TO THE PUBLIC.
3. THE LIBRARY (9 WESTCHESTER SQUARE IN THE BRONX) THE LIBRARY IS OPEN TO THE PUBLIC BY APPOINTMENT.

THE INADEQUACY OF THESE QUARTERS LED THE MUSEUM TO SEARCH FOR MANY YEARS FOR ANOTHER SITE. RECENTLY, H. ROSS PEROT PROPOSED

BUYING THE COLLECTION AND MOVING IT TO TEXAS. THE NEW YORK OFFICE OF THE ATTORNEY GENERAL, ACTING AS OVERSEER OF CHARITABLE TRUSTS IN THE STATE, MADE KNOWN ITS INTENTION TO OPPOSE SUCH A MOVE.

IN THE WORDS OF JUDGE MARTIN B. STECHER OF THE SUPREME COURT OF NEW YORK WHO RECENTLY REVIEWED THE TERMS OF THE HEYE TRUST WHICH ESTABLISHED THE MUSEUM,

"THERE IS NO QUESTION THAT HEYE IDENTIFIED NEW YORK CITY AS THE SITE FOR HIS COLLECTION...[S]IMILARLY, THERE IS ABUNDANT EVIDENCE THAT HEYE DESIRED HIS MUSEUM TO BE INDEPEDENT, PARTICULARLY OF THE AMERICAN MUSEUM OF NATURAL HISTORY, AND EXIST AS A MONUMENT TO HIS EFFORTS."

THE JUDGE WENT ON TO STATE,

"IT DOES NOT APPEAR FROM THESE PAPERS THAT THERE IS ANY SUBSTANTIAL DISPUTE THAT THE PRESENT PHYSICAL SITES OF THE MUSEUM ARE INADEQUATE FOR THE MUSEUM'S PURPOSES."
(THE JUDGE WAS WRITING IN RESPONSE TO A PRELIMINARY RULING SOUGHT BY THE TRUSTEES WHEN H. ROSS PEROT HAD OFFERED TO BUY THE MUSEUM AND MOVE IT TO TEXAS. MR. PEROT HAS SINCE WITHDRAWN HIS OFFER).

THE CUSTOMS HOUSE IS AN APPROPRIATE SITE FOR THE MUSEUM

A STUDY COMPLETED IN DECEMBER 1986 BY MUSEUM CONSULTANT, E.VERNER JOHNSON AND ASSOCIATES, CONCLUDES THAT THE U.S. CUSTOM HOUSE WOULD PROVIDE 457,908 SQUARE FEET OF GROSS AREA FOR THE MUSEUM. THE JOHNSON PLAN ILLUSTRATES THAT SPACE FOR THE EXHIBITS, CURATORIAL, AND RESEARCH WORK OF THE MUSEUM COULD BE ACCOMMODATED IN THE CUSTOM HOUSE. THE STUDY ESTIMATES THAT THE

COSTS OF RENOVATION FOR THE MUSEUM WOULD BE BETWEEN $32-35 MILLION. DR. FORCE WILL EXPLAIN THESE PLANS IN MORE DETAIL.

THE POINT IS THAT THIS BEAUTIFUL FEDERAL BUILDLING WOULD SERVE WELL AS A HOME FOR A BEAUTIFUL COLLECTION OF NATIONAL AND INDEED, INTERNATIONAL SIGNIFICANCE. USE OF THE CUSTOM HOUSE FOR THE COLLECTION WOULD BE A AMIABLE COMBINATION OF HISTORIC PRESERVATION WITH CULTURAL PRESERVATION.

AND THE FEDERAL GOVERNMENT WOULD DO WELL TO ACT TO PRESERVE THIS EXTRAORDINARY COLLECTION OF INDIAN ARTIFACTS, FOR IT MUST SAD TO SAY, BEAR MUCH OF THE BLAME FOR DESTRUCTION OF MUCH OF INDIAN CULTURE.

SENATE LEGISLATION

LAST YEAR, CONGRESSMAN UDALL INTRODUCED LEGISLATION TO TRANSER THE CUSTOMS HOUSE TO THE MUSEUM FOR AS LONG AS IT CONTINUED TO MAINTAIN THE MUSEUM. THERE WERE SOME PROBLEMS WITH THIS LEGISLATION, HOWEVER. IT DID NOT ADDRESS THE NEED OF THE BANKRUPTCY COURTS AND OTHER BRANCHES OF THE FEDERAL COURT FOR MORE SPACE IN NEW YORK CITY.

THEREFORE I AM PREPARED TO INTRODUCED LEGISLATION WHICH WILL TRANSFER THE CUSTOM HOUSE TO THE MUSEUM, BUT ALSO GUARANTEE THAT THE FEDERAL COURTS WHICH ARE BADLY IN NEED OF EXPANDED AND IMPROVED FACILITIES, COULD REMAIN ON THE 5TH AND 6TH FLOORS OF THE CUSTOM HOUSE UNTIL A NEW COURTHOUSE IS BUILT.

ON TUESDAY OF THIS WEEK MR. TERENCE GOLDEN, ADMINISTRATOR OF THE GENERAL SERVICES ADMINISTRATION CAME TO NEW YORK TO DISCUSS HIS PLANS WITH ME, AND I AM GREATLY HEARTENED. WE HOPE TO SEE A

NEW BUILDING CLOSE BY, AND PERHAPS CONNECTED BY A SKYWAY TO THE PRESENT FEDERAL COURT HOUSE IN FOLEY SQUARE. WE WANT A GOOD BUILDING: PLAIN -- IT IS TO HOUSE, AFTER ALL, THE BANKRUPTCY COURTS! -- BUT DISTINGUISHED IN DESIGN. I REMINDED MR. GOLDEN OF PAUL GOLDBERGER'S OBSERVATION MADE WHEN CONTEMPLATING THE DESIGN OF THE NEARBY FEDERAL BUILDING THAT IT IS POSSIBLE TO BELIEVE THAT THE FEDERAL GOVERNMENT REALLY DOES HAVE IT IN FOR NEW YORK. THIS MATTER WILL PASS THROUGH OUR SUBCOMMITTEE, AND I WILL CERTAINLY RECOMMEND IF NOT REQUIRE AN ARACHITECTURAL COMPETITION.

CONGRESSMAN UDALL HAS INDICATED TO ME THAT HE WILL INTRODUCE AN AMENDED VERSION OF HIS BILL AS A COMPANION TO THE ONE I INTRODUCE ON THE SENATE SIDE.

MY LEGISLATION HAS THE SUPPORT OF THE ADMINISTRATION.THE PRESIDENT HIMSELF HAS SAID HE WANTS TO HELP SOLVE THIS PROBLEM. IN FACT, MR. DAVID ROCKEFELLER AND THE HONORABLE DONALD T. REGAN SPOKE TO PRESIDENT REAGAN ABOUT THIS MATTER WHEN HE STAYED AT POCANTICO HILLS DURING THE STATUE OF LIBERTY CELEBRATION.

I THANK ALL OF YOU FOR COMING TODAY, AND I WILL LISTEN WITH GREAT INTEREST TO YOUR TESTIMONY.

Senator MOYNIHAN. If my colleagues will indulge me, I wonder, out of courtesy to Judge Brieant, who can't stay, if we can ask Your Honor, would you like to make a statement at this time?

STATEMENT OF HON. CHARLES L. BRIEANT, JUDGE, FEDERAL DISTRICT COURT

Judge BRIEANT. Distinguished Senators, it's really an honor and pleasure to be here with you gentlemen today. It's impossible for a judge not to be in the story, and it's impossible not to be in the story without some respect for archaeology. I would like to indicate that there is no conflict between the needs of the courts—very serious needs—and the needs of the museum. I am sure that the committee, with the help of the Administrator of the General Services Administration, can harmonize the needs of the courts with the desires of the museum. I am confident that can be done.

Mr. Steve Flanders, who's the Circuit Executive and represents the Judicial Council of the Second Circuit, is here today and he will submit a more detailed statement. It should be quite clear that we are not opposing the desire of the museum. It should also be clear that the entire Federal court system of the city of New York has a desperate need for additional space. That space in the long run—I say the long run, we are talking 4, 5 years—will have to be satisfied by a new structure, not very felicitously named the Annex. I am sure that will be discussed later. We are anxious not to have to relocate our Bankruptcy Court twice. Apart from those problems of space, the court must make very clear the problems we are suffering from. There is no conflict here. The effort made by the museum to perpetuate learning, to my mind is just wonderful. I am delighted to be associated with it. At first I felt that it was simply sufficient to file a statement, and it is within the Circuit Executive's province. But I thought I should come in person, Senator, to express my views; so I cancelled other proceedings this morning in order to be able to stay with you. I am delighted to be permitted to speak at this early stage. Thank you very much.

Senator MOYNIHAN. Very generous of you. I hope you will join in questioning, as the occasion arises.

My distinguished colleague, Senator D'Amato.

OPENING STATEMENT OF HON. ALFONSE M. D'AMATO, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator D'AMATO. Mr. Chairman, first let me thank you for affording me the opportunity to participate in today's hearing. I am quite anxious to attempt to get a better picture with respect to the Museum of the American Indian, its plans for locating itself in this magnificent edifice known as the Custom House. There is no doubt in my mind that a site must and should be maintained here in New York.

There is a very real question I have, though, with respect to the commitment. What about the financial arrangements in terms of completing the historic renovations which have been undertaken and which, Mr. Chairman—and let me commend you—have made possible as a result of your work in the appropriations committee. First, the authorizing legislation for $28 million. So now, who will

have the responsibility of completing this work? What will the cost of running a museum be? Where will the financial resources for this be developed? Have we or have we not fully explored any reasonable alternatives that may exist? Are there reasonable alternatives that may exist with respect to keeping the museum in New York and yet giving it the proper support necessary so that people can really see these treasured works that are now for the most part hidden away?

So I thank you, Mr. Chairman, and I hope we will be able to focus in on these issues with some fact, not just rhetoric, because I observed a lot of charges and countercharges in some of the editorials. I think most of which were rather ill-founded, without addressing some of the central concerns with which we should all be interested.

Senator MOYNIHAN. Well said. Let me share that hope and interest.

[Senator D'Amato's written statement follows:]

STATEMENT BY SENATOR D'AMATO
HEARING OF THE ENVIRONMENT AND PUBLIC WORKS COMMITTEE
2-12-87

MR. CHAIRMAN, I APPRECIATE YOUR INVITING ME TO PARTICIPATE IN TODAY'S HEARING AS A MEMBER OF THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

THE MATTER THE COMMITTEE IS EXAMINING TODAY IS AN IMPORTANT ONE. THERE IS NO DOUBT THAT THERE NEEDS TO BE A SUITABLE HOME FOR THE VALUABLE ARTIFACTS OF THE AMERICAN INDIAN. AND, THERE IS NO DOUBT IN MY MIND THAT THAT SITE MUST BE IN NEW YORK.

A REPOSITORY WHICH IS COMPATIBLE WITH THESE HISTORIC TREASURES AS WELL AS ACCESSIBLE TO THE PUBLIC AT LARGE IS CRITICAL AND HAS MY COMPLETE SUPPORT.

AS WORTHWHILE AS THE GOAL AND LAUDABLE THE PURPOSE, HOWEVER, ANY MAJOR CONVEYANCE OF VALUABLE FEDERAL PROPERTY MUST NOT BE ENTERED INTO LIGHTLY.

LEGISLATION TRANSFERRING A FEDERAL ASSET TO A PRIVATE NOT-FOR-PROFIT ORGANIZATION LOGICALLY RAISES A NUMBER OF ISSUES. IN THIS INSTANCE, THE CONVEYANCE OF THE CUSTOMS HOUSE AT BOWLING GREEN, A BUILDING OF SUCH HISTORIC SIGNIFICANCE, CARRIES WITH IT SPECIAL CONCERNS WHICH I HOPE ARE ADDRESSED TODAY.

THE QUESTIONS I HAVE CONCERN VARIOUS ELEMENTS OF THE CONVEYANCE BY GSA OF THE CUSTOMS HOUSE.

FOR EXAMPLE, I WOULD THINK AND HOPE THAT ANY ORGANIZATION WHICH IS PREPARED TO UNDERTAKE AN ASSIGNMENT OF THE CUSTOMS HOUSE BE FINANCIALLY VIABLE.

WHETHER IT BE THE HISTORIC PRESERVATION WORK NEEDED TO BE PERFORMED AT THE CUSTOMS HOUSE OR THE DAY TO DAY OPERATIONS ASSOCIATED WITH RUNNING A FIRST CLASS MUSEUM, ANY ASSIGNEE OF THE CUSTOM HOUSE IS ASSUMING AN AWESOME RESPONSIBILITY AND WILL REQUIRE SUFFICIENT FINANCIAL COMMITMENT AND WHEREWITHAL.

ON A BROADER SCALE, WHAT CRITERIA SHOULD THE FEDERAL GOVERNMENT ESTABLISH WHEN TRANSFERRING A BUILDING WHICH IS WORTH $40-60 MILLION IN RENTAL INCOME EACH YEAR?

FURTHERMORE, WHAT ABOUT THE BANKRUPTCY COURT TO BE HOUSED IN THE CUSTOM HOUSE? WHAT WILL BE THE RELATIONSHIP BETWEEN THE COURT AND THE MUSEUM, AND DO WE REALLY WANT TO FIX A DATE CERTAIN UPON WHICH THE COURT HAS TO VACATE THE PREMISES.

MR. CHAIRMAN, THESE ARE JUST SOME OF THE ISSUES. I AM HERE TODAY WITH AN OPEN MIND, CONCERNED AS YOU ARE THAT THIS IMPORTANT PART OF OUR HERITAGE, CRITICAL TO THE CULTURAL HISTORY OF ALL AMERICANS, BE PROPERLY HOUSED IN NEW YORK -- BUT ALSO COGNIZANT OF THE NEED TO FULLY ADDRESS THE BROAD PUBLIC POLICY ISSUES INVOLVING THE TRANSFER OF FEDERAL PROPERTY.

THANK YOU.

Senator MOYNIHAN. Our very good friend and, more specifically, the representative in the Congress of all the areas involved, Congressman Weiss.

OPENING STATEMENT OF HON. THEODORE WEISS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Representative WEISS. Thank you very much, Senator Moynihan. Let me express my appreciation for your courtesy in letting me participate in these hearings. I will be brief.

You are correct, almost every one of the organizations and the institutions themselves are located within the confines of the 17th Congressional District, so I have a great deal of interest in making sure whatever resolution takes place, most of the people are satisfied. In fact, their interests have been taken into account. As you know, the House has a committee the equivalent to your Senate committee and we will be passing ultimate judgment on the approval or disapproval of the legislation that may be taking place.

Senator MOYNIHAN. Thank you. May I say that a number of the City Council persons who represent the areas affected have offered to be on hand. If they can, they will. I spoke in particular with the Honorable Herman Farell—Denny—who's a friend, about his hearing. He has to be in Albany today, but he has offered the view whatever happens, we will maintain the Audubon Terrace facility as it is now or as it might be improved.

Our first witness who has done battle in this cause, honorably and well, and faithfully as always, is our Attorney General of the State of New York, Robert Abrams, who, I am told, is here and characteristically, in the back row working on his notes. Armed with information, data, and aides.

We welcome you, sir. Will you be kind enough to introduce your associate.

STATEMENT OF HON. ROBERT ABRAMS, ATTORNEY GENERAL, STATE OF NEW YORK

Attorney General ABRAMS. Thank you very much, Senator Moynihan. At Harvard only the professors allow students to take notes in the back. They are allowed, they are even encouraged, but they are rather persuaded.

Senator Moynihan, Senator D'Amato, Judge Brieant, Congressman Weiss. I am grateful for your providing me this opportunity to indicate for the record my involvement on this very crucial and important issue for the people of the State of New York. Seated to my right is Pamela Mann, Assistant Attorney General in charge of our Charities Bureau that deals with not for profit organizations. The Attorney General has oversight and responsibility in this area, and her colleagues have, as you indicated, battled long and hard over the last number of years in making sure that respective views of the people of the State of New York, through its Attorney General, is known to the courts of this State.

Senator MOYNIHAN. The Committee welcomes you.

Attorney General ABRAMS. I welcome the opportunity to speak before this hearing on the possible use of the Custom House as a

new home for the Museum of the American Indian, a singular national treature.

The Museum is also a New York charitable institution, over which I have unique regulatory responsibility.

As Attorney General, I have a statutory mandate to oversee the charitable institutions in New York State. The law obliges the Attorney General to be vigilant in enforcing the restrictions that donors place on their charitable gifts. It requires that philanthropic gifts be devoted to the particular purpose for which they were given.

This principle is grounded in sound public policy. Trust restrictions often represent deeply held convictions that motivate a charitable donor to transfer private wealth to the public domain for universal benefit. The guarantee that such restrictions will be enforced—even long after the donor's death—encourages charitable giving. Generous donors are assured that future generations will be bound by the trust terms with one simple and reasonable caveat: a court may modify the trust only if a change in circumstances has made it impossible or impracticable to carry out the original intention of the donor.

The trust indenture that created the Museum of the American Indian requires the Museum to remain within New York State. George Gustav Heye, its founder and a lifelong New Yorker, envisioned a New York museum. In 1916, Dr. Heye transferred his collection of Indian artifacts to a charitable trust—and I am now quoting from the indenture.

> . . . to promote the public welfare by founding, endowing, and having maintained a Museum within this state.

The trust indenture recites, as among the purposes of the Museum:

> To promote the public welfare by actively advancing learning and providing means for encouraging and carrying on—and there is a long specified list—work within the State of New York . . .

And since its creation in 1916, the Museum has operated three facilities in New York City, pursuant to the terms of the trust: An exhibition space in Manhattan, a research and storage facility in the Bronx, and a library also in the Bronx.

Unfortunately, for more than a year now, the Museum of the American Indian has devoted substantial efforts to moving its facilities to the State of Texas. These efforts culminated in a petition by the Museum's trustees seeking the Court's permission to move outside of New York.

My responsibilities as New York's Attorney General obliged me to oppose that petition in court. Relocation of the Museum outside the State would plainly violate the terms of the Trust under which the Museum was created in 1916.

Because there are viable sites where the Museum could flourish within New York State, it is neither impossible nor impracticable for the Museum to stay in New York, as the law requires. As I have argued in court, and will continue to argue, the court cannot authorize such a move out of state, so long as it remains possible and practicable to fulfill the terms of the trust in New York.

Now that H. Ross Perot has withdrawn his offer to underwrite construction of a facility in Texas, however, the legal issues involved in the litigation have become more theoretical than real.

The time is now ripe for all concerned to focus their energies in securing the Museum's future within New York State.

These hearings demonstrate the determination of the Federal Government—particularly among New York's congressional delegation—to play a role in that endeavor. Special credit for Senator Moynihan is warranted based on his leadership in organizing this hearing.

Governor Cuomo and Mayor Koch have already demonstrated their commitment to keeping this invaluable institution in this city and State.

As a result of efforts by officials on all three levels of government, there are now at least two exciting new proposals—the American Museum of Natural History and the Custom House. Other possibilities, including some that would allow for a continued presence in Washington Heights, also exist.

While the subject of these hearings is the possible use of the Custom House as a new home for the Museum, it would be inappropriate, given my responsibility as Attorney General in the ongoing or possible future litigation, to endorse this or any other specific proposal.

I can, however, say flatly that relocation of the Museum to the Custom House is an alternative that would be consistent with the terms of the trust indenture.

It would provide a great opportunity for the Museum to conserve and exhibit its marvelous collection, and the historic importance of the Custom House building would make it a worthy repository for George Heye's treasures.

Moreover, New York is an ideal home for this unique institution. All the ingredients for a successful museum are here. New York is the home of vast artistic riches which contribute to the cultural life of the Nation and to its economy. Our public officials understand the importance of the State's cultural assets and willingly support them. New York's citizens throng to museums on weekends and its school children fill their halls on weekdays.

Each year New York hosts millions of visitors who travel here to view the cultural and historical wonders available in this State.

Maintaining the Museum in New York will allow these tourists from throughout the United States and, indeed, the world, to enjoy its incomparable collections. As you indicated at the outset, Senator Moynihan, there are very special things in this collection: sacred masks of the Iroquois, hand-crafted canoes, totem poles, Hopi Kachina dolls, and magnificent feathered headdresses.

I was awestruck on my visit to the Museum's warehouse by the magnitude and the splendor of the Museum's collection: objects from ancient to modern times, from tiny, long-extinct cultures, and from the living cultures that are still very vibrant today.

But the artifacts we see when we visit this museum are more than objects of great variety and interest. They inspire an appreciation for the cultural complexity and richness of those who first inhabited the Americas.

These objects display remarkable spiritual depth and striking beauty. They are an important part of our history. This unique collection has the capacity to inspire vision and promote understanding, a capacity that must be preserved for future generations.

It is my obligation to see that the Museum continues to function in New York, as it donor intended. Every effort toward accomplishing that goal, including this hearing, deserves the support and gratitude of all New Yorkers. I remain confident that a solution—providing new life for the Museum and consistent with the requirements of the law—will soon be found.

I thank you very much, Senator, for allowing me to give you my perspectives on this very important issue that you have drawn so many New Yorkers to this morning.

Senator MOYNIHAN. Whatever else could be said of your remarks, sir, and there are many things, no one can accuse you of ambiguity, which is a rare and wondrous trait in a public official, much less in a lawyer. Before we turn to our next speaker, I would like to add one thing to your very fine statement. You made the point that Governor Cuomo and Mayor Koch have already demonstrated their commitment in keeping this invaluable institution in this City and State. You, sir, have done that with the greatest and most explicit effort that you and your colleagues carried out in the court. I would like to record that this commitment has also been made by the President of the United States. President Reagan, during the course of the July 4th weekend, when he was with us at Governor's Island across from the Battery, spent portions of that weekend with David Rockefeller. With Donald Regan, the President's Chief of Staff, the three of them talked about this matter, and the President has indicated his support for making the Custom House available for the Museum's purposes.

Mr. Terence Golden, who is the Administrator of the General Services Administration cannot be here today. He will be well represented by Mr. William Diamond, Regional Administrator. He has to be in Alabama, specifically. But he came to New York on Tuesday to make it clear that it is the view of the Administration that this arrangement should be made. And, sir, that if it is to be made, there is to be a courthouse provided.

Will it be agreeable to my colleagues that we continue our sequence. Any questions?

Judge BRIEANT. I have no questions, Senator. Thank you, sir.

Senator MOYNIHAN. Senator D'Amato?

Senator D'AMATO. Let me commend, Mr. Chairman, our Attorney General for his fine efforts to see to it that the Museum is kept here in New York at Federal Plaza. I commend you for that.

Senator MOYNIHAN. Sir.

Representative WEISS. Thank you, Senator. It was an outstanding statement. The Attorney General's efforts, I think, have been responsible for our being able to hold these hearings at all.

Senator MOYNIHAN. It is to be particularly understood that, as the Attorney General has said, that Mr. Heye was a New Yorker. All alternative temptations were resisted. And from being born here, went to Columbia School of Mines; father worked here. He himself worked on Wall Street for a period. Began his collecting in a manner low-keyed. Then when the guy was good, it became his

full-time occupation. He intended this collection to be here. There is an obligation which I can hardly speak for the attorneys here. A trust is a trust. And people will be inclined to form them to the extent they have reason to suppose they will be abided. We have more at issue here than just the issue of this particular trust. We have at issue here the integrity of trusts in general.

That is what you defended so well and ably. We thank you and admire you and appreciate your coming. We appreciate your bringing your associate, who has obviously put a lot of heart in this effort. Thank you very much.

We will now hear the first of three panels. The first you might describe as the professionals of our group.

The first panel, if you would all come forward and find your names, if you can. I can indicate Dr. Force, you are right there, sir, on the corner. Mr. George Abrams, as Trustee of the Museum of the American Indian and Trustee and Curator of the Seneca Museum in Salamanca. Mr. Abrams, we welcome you from down State.

Mr. Steven Flanders, Circuit Executive of the U.S. Courts for the Second Circuit, and Mr. Diamond, coming here on the right flank here, the Regional Administrator, General Services Administration.

We have the problem we all have of time. So that everbybody will be heard, we will ask that each witness keep himself or herself to a 10-minute opening statement. That will give us an opportunity for persons to speak and for questioning afterwards. We would like to try to have each panel use about an hour each.

Dr. Force, you have arrived. I see you have a submission which we will accept for the archives. Dr. Force, please proceed.

STATEMENT OF DR. ROLAND W. FORCE, PRESIDENT AND DIRECTOR, MUSEUM OF THE AMERICAN INDIAN

Dr. FORCE. Thank you, Mr. Chairman.

Senator D'Amato, Congressman Weiss, Judge Brieant. I am very pleased to be able to offer testimony on behalf of legislation designed to convey the U.S. Custom House to the Museum of the American Indian. I'd like to begin my comments by going back in time.

More than 40,000 years ago a bitter wind swept across the bleak Siberian landscape, flinging a torrent of icy particles against a flimsy caribou-hide shelter. Beneath it, fur-clad hunters huddled together, seeking warmth. The storm had howled through most of the long Arctic night, piling up mountainous drifts of new snow, obliterating the tracks of the heard of bison they had been following.

Sturdy hunters such as these, moving after game, were the precursors of the first immigrants to the Western Hemisphere. For years upon years, as the Pleistocene Ice Age waned, small bands of hardy men and women, broad of face, black-haired, and slit eyed, pressed into the virgin New World over a broad land bridge that connected Asia with Alaska. The descendents of these intrepid early migrants ultimately came to populate the Hemisphere from pole to pole and sea to sea.

Over the millennia Native Americans grew greatly in numbers and become exeedingly diverse both culturally and linguistically. Until Columbus destroyed their remarkable isolation in the 15th century, they roamed the vast continents, settling in every environment, and developing in distinctive ways—family bands, clans, tribes, nations, confederacies, and great civilizations.

The exploration and settlement of the Americas by Europeans over the succeeding years had a devastating impact on the native people. Their numbers decimated by contagious diseases for which they had no immunity, overwhelmed by a vastly more sophisticated technology than they possessed, alienated from their lands, vanquished in battle, sometimes enslaved, Indians and Eskimos lost the vigor of their societies.

Today only remnants of once great societies remain. And they are the more valuable because of their scarcity. Meager though they are, the surviving artifacts of ancient times comprise the heritage of Native Americans. By extension they are also the heritage of all Americans.

Unless these rare objects are properly preserved, they will perish; unless they are studied, we will never know their meaning; and unless we use them to instruct our youth—Indian and non-Indian alike—their value will go unrecognized and be lost.

Nearly a hundred years ago, shortly before construction on the U.S. Custom House began, George Gustav Heye, the founder of the Museum of the American Indian, acquired his first specimen. It changed Mr. Heye's life and for the next 60 years he devoted himself to the creation of a collection that is without parallel—the largest and finest of its kind. It is this great national—even international—treasure that we seek to care for in the Custom House. No nobler purpose could be conceived for this grand building than that it provide a home for those things that symbolize the greatness of the native peoples of America.

We seek the U.S. Custom House as the new home of the Museum of the American Indian because it is a building whose quality, design, size and location are admirably suited to our needs.

The Museum of the American Indian possesses the premiere collection of its kind in the world. However, the quality of its holdings are not matched by the quality of its present facilities. The three widely separated branches of the Museum are all remote, outmoded, and far too small. These disabilities have been recognized for at least 20 years, but they are given particular prominence as a result of the conclusions of a year-long Task Force study initiated by a new Board of Trustees in 1976.

The Task Force studied all aspects of the Museum's operation and made a series of recommendations on everything from collection care and staffing to public relations and security. It concluded that the most compelling need the Museum had if it were to properly satisfy its mandate to collect, preserve, study, and exhibit all things connected with the anthropology of the aboriginal peoples of North, South, and Central America, was to relocate. The Trustees determined that a new location should be large enough to allow for the consolidation of all of the Museum's resources under one roof, and that it be prominently located and easy of public access.

In 1977 the Task Force undertook a broad survey of possible sites for location in the New York City region. Of all the sites that were examined, the U.S. Custom House was found to more closely satisfy the Museum's requirements than any other. The quality of the building is in keeping with the quality of the collection. It is large enough to house all of the Museum's collections, staff, and exhibits. It is extremely prominently located and easy of access by public transportation and private automobile. It is central to a dynamic and growing urban community that is increasingly important as a tourist destination.

Having determined the superiority of the location and quality of the building, the Trustees next authorized the mounting of special exhibitions to discover if people would attend them in numbers. Two major shows were arranged, one in 1978, the other in 1979. On the average, attendance was ten times higher than at the Museum's main branch, at Broadway and 155th Street.

During these years and, indeed, until 1982 the Museum strove to secure the endorsement by political leaders of its plan to occupy even a small portion of the building for temporary exhibition purposes. It received the support of Senators Moynihan and Javits and also that of Congressman Conable, who is now a trustee of the Museum. In March of 1982 the General Services Administration was able to offer a modest amount of widely separated space in the building at a rental fee beyond our means. At that point the Trustees abandoned their attempt to secure space in the building under the provisions of the Public Buildings Cooperative Use Act of 1976.

Our lack of success in securing a new location and appropriate financial support in New York City became known to others and in 1982 and 1983 serious expressions of interest from community leaders in a number of cities in having the Museum relocate to Oklahoma City, Los Angeles, St. Louis, Kansas City, Las Vegas, and Indianapolis came to the attention of the Trustees. Discussions were held with people from the latter two cities in particular. The interest of several cities remains today.

From 1982 to 1985, the MAI Trustees negotiated with Trustees of the American Museum of Natural History concerning the possibility of relocating to the gounds of that institution. No agreement was reached for three reasons. First, the American Museum of Natural History was unwilling to provide financial support to the MAI without requiring actual governing authority over the Museum's Board and collection. The MAI Trustees believe that they could not, consisent with their trust obligations, surender governance of the Museum to the AMNH or anyone else. Indeed, their belief was sustained by Justice Martin B. Stecher in his preliminary ruling last July. Second, the AMNH offered only a little over 200,000 square feet of space. This was to be contained in a building that would be built as an addition to existing buildings. The ultimate size to be determined by AMNH considerations of design, location and budget rather than the MAI's need. E. Verner Johnson and Associates, a leading firm of museum architects and planners from Boston, has determined the need to be 400,000 gross square feet. The third reason the AMNH was unsatisfactory was a substantial and important part of the native American community particularly

object to placing the Indian's heritage within a museum of natural history, between the "rocks, bugs and the whales."

The AMNH, in a recent letter to Senator Alfonse D'Amato, has asserted that its offer to the MAI is still open, and has suggested a different governing structure. While we believe that most of the participants in this process now recognize that the AMNH proposal will not work, the latest proposal deserves a brief response. As we understand this latest proposal, the Mayor would be responsible for selecting ten trustees from the present AMNH board, ten trustees from the present MAI board, five independent trustees, and five ex officio trustees. Unfortunately, this proposed solution is no solution at all.

The MAI's governance dispute with the AMNH over these last several years has risen in large part from the nondelegable fiduciary duties imposed upon the MAI trustees to preserve and maintain the MAI's collection. While the MAI board greatly admires the Mayor, they can no more delegate to him the responsibility of the MAI governance than they can delegate it to any other public official, no matter how admirable he or she may be. Nor could they, consistent with those fiduciary duties, turn over one-third of the board to individuals, who, it is now clear, are institutionally committed to ending the MAI's independence and merging it into the AMNH, and one-third of the board to persons wholly unknown to them.

The letter to Senator D'Amato also suggested that in addition to the 228,000 to 252,000 square foot addition to existing structures that was contemplated, there were some 390,000 square feet of space available in the AMNH's existing building complex which could be shared with the MAI. Today, it is clear that the AMNH cannot provide the MAI with that space, even if it wanted to. Its most recent annual report states:

> Our museum is slowly choking for lack of space.
>
> Management and operations are adversely affected when lack of space, worn infrastructure, and make-do compromises come into conflict with burgeoning programs.
>
> . . . the need for space at the American Museum is desperate.
>
> Resources and programs have already outgrown the capacity of the building to support them. Additional space is needed to provide adequately for what we have, to support continuing growth at which we must aim.
>
> Unless we plan and build new spaces for our needs now, our progress will slowly grind to a halt.
>
> We are forced to discard as trash furnishings, fixtures, usable exhibit cases and carpets, because we have absolutely no storage space left.
>
> We have had to discard valued and useful library materials to make room in our overcrowded stacks for essential new acquisitions . . . One may ask this question.

If things are this bad at the AMNH, if they truly face such dire problems of space that prevent them from taking care of their own needs, then how can they seriously propose that we solve our problems of space by sharing their disabilities.

When it became apparent that the AMNH proposal was not an acceptable solution, the MAI Trustees invited the interest of H. Ross Perot in the Museum and shortly thereafter received from him a personal commitment to make available $70 million of his own money and to seek contributions from others to build a world-class facility for the MAI in Dallas, Texas.

In late June of 1985 the Trustees of MAI accepted the Perot offer, subject to a final effort to reach a satisfactory agreement with AMNH. That effort failed.

At the same time the Trustees of the Museum attempted to revitalize their interest and the interest of others in the Custom House. The MAI Board Chairman, Barber Conable, continued his efforts on the Museum's behalf, in the course of which he met with David Rockefeller to discuss the matter. Mr. Rockefeller offered to speak to President Reagan to enlist his assistance. He did and the President indicated his desire to be helpful. Over the following months the White House and the General Services Administration drafted a bill that would convey the Custom House to the Museum so as to "provide a suitable location for a national center to preserve and commemorate the customs and history of the American Indians and to recognize the contributions of the American Indians to the United States." During the 99th Congress the bill was introduced in the House of Representatives on July 29. The session adjourned shortly after that and no hearings were held.

In October, 1985, the Trustees authorized legal counsel to submit a Petition seeking the directions of the Supreme Court as to their rights and obligations in respect to the Perot offer.

On July 9, 1986, Justice Martin B. Stecher gave a preliminary ruling in which he concluded that MAI could not remain in its present situation, that its Trustees were charged with the duty of maintaining MAI as an independent institution and stressed the fact that the founder's wishes that his collection not be a part of the ANMH be respected.

The Trustees have always wanted to keep the Museum in New York if they could find an appropriate location. As the Custom House option began to firm up, Mr. Perot kindly withdrew his offer so as not to interfere with the Custom House proposal and placed his support behind it. It is the Museum's hope that State and city officials will lend their support to the legislation as well.

To this end the MAI has provided answers to a number of questions the City has asked about the Custom House and how the MAI would go about operating an expanded operation.

Like many other museums, the MAI is underendowed. Its income is not sufficient to allow it to conduct the broad program of research, publication, conservation, and education called for in its mandate. This is nothing new. Mr. Heye gave his collection to the museum he founded in 1916, 400,000 specimens in all. And he endowed the fledgling institution with a dollar for every specimen. The sum was inadequate. And, although it has grown over the years, the endowment is still too small.

We have done a great deal of research in the areas of operational expense, the cost of adaptation, earned income, and fund-raising. We are confident that we can provide the necessary funds, a confidence shared by our fund-raising consultants.

During 1986 the MAI undertook comprehensive planning studies of the Custom House to determine how well our master plan could be accommodated, to see what the energy costs would be, to ascertain the expense of adapting existing space to our needs, and to estimate the cost of installing the collections and new exhibitions on three public floors. We also looked into the matter of fund-raising

and what our prospects were likely to be. The final consultations were completed in January.

In a report dated December 31, 1986, E. Verner John Associates indicate that the space requirements of the MAI will be admirably accommodated in the Custom House's 457,908 gross square feet. They also presented a conceptual budget covering interior renovation; architectural and engineering fees; exhibition design, fabrication, and installation; collection storage equipment; general furnishings and equipment; and contingencies. The total cost in 1987 dollars is $32 to $35 million, or about $65 per square foot.

Another consultation by the engineering firm that designed and installed the heating and cooling equipment in the Custom House indicated that it was a more efficient building and less costly to operate in terms of energy than the Brooklyn Museum, and American Museum of Natural History, or the Metropolitan Museum of Art, based on 1986 figures.

We have provided all of these reports and estimates plus much more material to Mayor Koch in response to his request. Included in the most recent submission to his Chief of Staff were projected income from admissions, shop sales, membership, special programs, food service, and fund-raising. We made these projections with an eye to full operations in the Custom House in 1992. And, while we have not yet formally asked the City or the State for funds, we have included budget scenarios both with and without such support. We believe our projections are conservative.

Those projections indicate that were the City and the State to provide us with the same level of support they agreed to provide the AMNH ($26 million for capital costs and $2 million a year for operations), we should have no difficulty in raising and earning the balance. Indeed, we have been told for years by foundation and cultural officials that they were unwilling to support our requests for assistance so long as we continued in our present remote locations, but that when we could assure them that the Custom House was our new home, they would contribute in significant ways. In addition, we are pleased that, even though Congress has not yet acted on the proposed legislation, we have already received pledges in excess of several million dollars to underwrite a portion of the anticipated expense. And we have not yet begun our campaign.

There is an old business adage that also holds for museums—"Location is everything." It may not be everything, but it is close. The Custom House is a prime location, and we believe our support levels will reflect this.

I'd like to make a comment which is a deviation from my prepared statement, but I believe it is important in response to your comments, Mr. Chairman, about the Museum maintaining a satellite location at 155th Street. We have said for years we would do this, even proposed it to Government officials, that that branch, that satellite, be converted to a children's museum. We have said we would only be able to undertake this when we had found a new home. We have said also that we would very much like to have some Government support that would enable this to be possible. Whether or not—I will say to you now—the city and/or the State would provide such support, the Museum will continue to operate a satellite museum at Broadway and 155th Street. I want to make

that assurance to you and all concerned about the impact of our institution on that neighborhood.

In conclusion, Mr. Chairman, I would like to say that there are some comments that I think are important and have to do with the national interest.

It is most surely in the national interest to place the greatest of Indian collections in the Custom House. The heritage of Indian cultures is a part of all Americans. Half of the states and a multitude of cities and towns have Indian names. Even those of us without Indian genes revere the great Indian heroes, perhaps the more so because we know that they battled against overwhelming odds as they were inundated by hordes of our ancestors. They and their people are a part of the fundamental fabric of this land. The things that once were theirs—their works of art, their weapons and tools, their ceremonial objects—these should not be relegated to some obscure place in some undistinguished building. To do so would tarnish their memory and perpetrate even greater injustice. We cannot change the past. But we can change the future.

With a swiftness that we can only regret, years will pass and few if any of us now so concerned will be responsible for the welfare of the great collection that is the focus of our interest today. We will have passed the responsibility to others. We have it within our power now to insure that the collection will be properly housed, properly cared for, and properly appreciated.

Greatness is in short supply. We do not often have the opportunity to contribute to it or to make certain that it will endure. This is one of the rare times.

It is in the national interest for the Congress to authorize the transfer of this great building, originally constructed and later renovated with public funds, so that it may be dedicated to a new public purpose. A purpose that honors a segment of our society that is too often overlooked; a purpose that reminds us all of our connections to Native Americans and to the debt they are owed, for this great land of ours once was theirs.

In 1992 this Nation and all the other nations of the Hemisphere will celebrate the 500th anniversary of the European discovery of American by Columbus. Our aim will be the celebration in the Custom House of the greatness of the original peoples of the Americas. It is our hope that all Native Americans in this country and throughout the Hemisphere will on this anniversary take a new pride in their origins and their identity. We believe it is in our national interest to take the initiative in making this happen.

Shortly new national museums of African and Oriental art will be opened at the Smithsonian Institution. The Custom House provides a great opportunity to similarly recognize the importance of Indians and things Indian to this Nation, to the Hemisphere, and to the world.

Senator MOYNIHAN. Thank you, Dr. Force.

Dr. FORCE. Thank you very much, Mr. Chairman.

Senator MOYNIHAN. May I just note that I am a regent of the Smithsonian Institute, and it is the case that there is an interest in Congress in establishing a new American museum on the mall and such an establishment cannot be contemplated without this particular collection which speaks our intention. If we are going to

have it in New York, I think the point of the 1992 occasion is a very relevant one. I would like just to note that Judge Brieant will have the better word for Dr. Force's statement about what the court found with respect to the trust requirements, a view which the Museum holds, but which may not necessarily be the view of others.

Judge BRIEANT. I have no further comments at this time, thank you, Senator.

Senator MOYNIHAN. Thank you. Senator D'Amato.

Senator D'AMATO. Thank you, Senator.

Dr. Force I noticed in your testimony you talked about the need of 400,000 square feet and one of the compelling reasons that you could not entertain the proposals by the American Museum of Natural History was because they offered you a facility between, I think, 225,000 to 250,000 square feet. Is that one of the major concerns that you have?

Dr. FORCE. Yes, sir.

Senator D'AMATO. As you look at, and I have been looking at this comprehensive plan which you submitted, first time I have seen it, I want to commend you for it. It certainly is a magnificent utilization of the Custom House.

How many usable square feet do you come up with in this plan?

Dr. FORCE. We have very carefully analyzed that, Senator. There were always others who felt that the gross square footage of the Custom House was not as large as we felt it was. It runs entirely on the techniques that are used and how one uses the building. So we employed two consultants to come up with the square footage. One came up with 460,000 using a computer analysis—actually 463,300 square feet. That's to the window line. We asked Mr. Johnson to undertake it independently, doing actual measurements from the plans that were developed for the renovation of the Customs House this past 5 years. He came up with slightly less than this, 457,000. And we asked him to analyze this in terms of our needs as expressed in new construction in his 1985 comprehensive plan; and in that plan if we were going to satisfy our requirements, we would need to have a building with 412,000 gross square feet. You can use a factor of 1.3 to get a net of close to 317,000 net square feet in new construction. That same factor does not work, I am told, in existing buildings.

I will give you an example. The only place where our numbers from our 1985 plan deviated appreciably from the numbers that were generated by Mr. Johnson's second study were in the area for building services. Building services, as you will note from the large blue plan lists, I believe, square footage of something like 71,000 or 72,000 square feet. This was much more than we had contemplated for our building. We contemplated something in excess of 26,000 with the master plan in 1985. The reason that number is what it is, that's the kind of equipment that was designed and installed. It takes up most of the subbasement in the Custom House. That's the basic deviation, the only significant one, from our plan.

As to usable space. You see, our use is different than might be if the building were converted to offices.

Senator D'AMATO. You are telling me, then, that you feel that you have 400,000 square feet of usable space at the Custom House? Is that what you are saying?

Dr. FORCE. Yes, sir. That's right, sir.

Senator D'AMATO. I would just point out to you that I like to review that because GSA has indicated to me that there is approximately 200,000 square feet.

Dr. FORCE. We have always differed with that estimate. We will be glad to share this with you.

Senator D'AMATO. That is a pretty substantial difference.

Dr. FORCE. Yes, it is.

Senator D'AMATO. We are talking about 200,000 and 400,000. We like to get to the bottom of it. I am going to ask the GSA, if I might, Mr. Chairman, to review these plans and give us a report. It might be helpful to ascertain what is practicable and what is not. Are we talking about using stairways; are we talking about using elevator shafts; are we talking about using these areas which will not, under any circumstances, lend themselves to be included in as usable space. I think that's important.

No. 2, in terms of your budget that you have submitted, how much money have you allocated to complete the restoration—and not the Museum work but the historic restoration—which the Congress has already allocated a sum of money? Have you had any estimates?

Dr. FORCE. Yes, sir. The estimate is included on the last page of the Johnson report. This blue one. This is the reference that I made to. The estimate is $32 to $35 million. It is spelled out in terms of segments of that budget. Under the heading, "Project Budget".

Senator D'AMATO. Does that include, then, restoration as intended for historic purposes in addition to the conversion as it relates for Museum use?

Dr. FORCE. We believe it to be complete, yes, sir.

Senator D'AMATO. I would think that that is an area the General Services Administrator will be most interested in reviewing.

Dr. FORCE. We understand.

Senator D'AMATO. Then there is a question that I raised, and viewed by some as not being very charitable—and it may not be, because this is a building. If you would place value on—and I know it's a historic building—but there is some commercial value with 50,000-plus feet being used by the court now. Replacement of that at $50 a foot in terms of midtown, there are values that would have to be placed in the area of at least $60 million, and that's a minimum figure.

So, when we turn over a building worth $60 million to a group, we have a responsibility to see that certain things are assured. Will you be able to carry this operation. And to simply say, we have a clause that states that in the event if we are not able to do that, then it will revert back to the U.S. Government, I do not believe is sufficient. I think we have an obligation—and I don't believe we can do it at this hearing—to look at these figures and analyze them and get more specifics. I know the city has been asking for various specifics in terms of how do you intend to fund the operation of this facility, and is it in the real world. Is it practicable. Because, to

turn this over and then to have a situation where the commitments cannot be met, I think it would be worse than to put it aside at this time.

It will be tragic, and I can then see the incredible emotional outpourings of people who say, "You can't have this revert back to the Government. Doesn't the Federal Government have an obligation now to come forward with funds." I can assure you that they are not going to come forward with funds. It will be the most costly visit the President ever made in the history of the United States. But that's another side of this whole story. I want to assure you that I believe we are going to have to examine those figures very carefully.

Thank you.

Senator MOYNIHAN. I agree.

Representative WEISS. Thank you very much, Senator.

Dr. Force, you indicated that you are going to have the entire collection in this facility; is that correct?

Dr. FORCE. Yes, sir, we will.

Representative WEISS. All the items that are in the storage facilities?

Dr. FORCE. Yes, sir.

Representative WEISS. It is your representation that, in fact, the Custom House would be able to house all of the entire collection?

Dr. FORCE. That's correct. Each floor, Congressman Weiss, is included here with diagrams as to how we would use it. This is very carefully worked out.

Representative WEISS. Would you be utilizing any of the historical landmark interior spaces of the Customs House?

Dr. FORCE. Yes. The rotunda is one of these. The Commissioner's office is one. Obviously these would need to be respected just as we respected them when we used them in 1978 and 1979 when we had temporary exhibits there.

Representative WEISS. What is the current operating budget of the Museum?

Dr. FORCE. Approximately $1.6 million.

Representative WEISS. What are your projections as to the operating budget once you would be relocated?

Dr. FORCE. In 1987 dollars, $6.5 million.

Representative WEISS. You are prepared to have that raised all from private sources as distinguished from city or State and other governmental sources.

Dr. FORCE. As I indicated, Congressman Weiss, we have given the city four separate scenarios, two with city support, two without. As we believe, and we are confident, that we can, through earned income and fund-raising undertaken to operate this building. We don't contemplate reverting at all.

Representative WEISS. How much do you get currently from governmental sources?

Dr. FORCE. We receive a number of grants from Federal agencies that are both for operating and for special projects.

Representative WEISS. Governmental sources.

Dr. FORCE. We raise on the order of $600,000 to $700,000 a year at the present time. It has gone as high as a million dollars depending on the special projects.

Representative WEISS. That roughly $600,000 to slightly under a million dollars is raised from private sources?

Dr. FORCE. Yes.

Representative WEISS. Currently?

Dr. FORCE. That's correct.

Representative WEISS. You are going to multipy that by a factor of eight or nine?

Dr. FORCE. Absolutely.

Representative WEISS. You had referred to the fact that the problem you have at the current location is because of its remoteness?

Dr. FORCE. Yes, that's correct.

Representative WEISS. How would you account for the fact that the Cloisters, which is some 35 blocks north—also in my district—does not have the problem of remoteness. People find their way to it, with the same difficulty in transportation as you suggest exists for 155th Street.

Dr. FORCE. We have looked at that, Congressman Weiss. We think the situation is very different. We think that the Cloisters, as a branch of the Metropolitan, benefits from that connection. We think also that its location in a very attractive park is different from ours. There are many reasons why we think that it's really not comparable.

Representative WEISS. The location is comparable; right?

Dr. FORCE. No, we think it's not.

Representative WEISS. The remoteness argument is comparable; right?

Dr. FORCE. I beg you pardon?

Representative WEISS. The remoteness argument——

Dr. FORCE. It's farther than we are from midtown. I believe you will find a number of people who resist going that far away. New Yorkers are inclined not to wish to travel that far. But I can't tell you precisely why they have a heavier attendance than we do except for what I have mentioned.

Representative WEISS. You are prepared to continue to underwrite the cost of maintaining the 155th Street facility?

Dr. FORCE. If necessary, yes.

Representative WEISS. Not if necessary. You are prepared to underwrite it?

Dr. FORCE. I think I said so. I said so in my testimony, and we will stick by that.

Representative WEISS. What do you think that will cost on an annual basis?

Dr. FORCE. It will depend on what year we are talking about. We do have computations.

Representative WEISS. Do it in 1987 dollars.

Dr. FORCE. In 1987 it would cost in excess of half a million dollars a year.

Representative WEISS. I guess the final question I have, I don't know quite what you meant by describing the American Museum of Natural History as being a repository of "Rocks, bugs and whales," which would make it inappropriate for the two museums to have a combined collection.

Dr. FORCE. Then I should explain a little more. Many native people feel it is demeaning to be placed under a microscope as if

they were a natural history specimen, and they find it offensive and they have told us so.

Representative WEISS. Surely you are familiar with the American Museum of Natural History's collection.

Dr. FORCE. Yes, I am.

Representative WEISS. You would not consider it to be a minor collection.

Dr. FORCE. Not at all.

Representative WEISS. You don't think that the present collection is demeaned by its location in the American Museum of Natural History.

Dr. FORCE. I believe there are native Americans and other native peoples who do not wish to have their cultures in any natural history museum. That would also obtain to the Smithsonian, Field Museum and, indeed, an institution I once headed, the Bishop Museum. It is given the same consideration.

Representative WEISS. Thank you.

Dr. FORCE. Thank you.

Senator MOYNIHAN. Thank you, Dr. Force, would you give us, in writing, the gist of the statement you made with respect to maintaining the Audubon Terrace branch that you made to Congressman Weiss. Perhaps before you leave the building this morning, get that out in writing. Is that possible?

Dr. FORCE. I will be glad to.

[A letter from Dr. Force follows:]

MUSEUM OF THE AMERICAN INDIAN
HEYE FOUNDATION
BROADWAY AT 155TH STREET
NEW YORK, N. Y. 10032
(212) 283-2420

February 22, 1987

Hon. Daniel Patrick Moynihan
United States Senate
Washington, D.C.

Dear Senator Moynihan:

I want to express my heartfelt thanks to you for the support you have provided the Museum in attempting to secure the U.S. Custom House, beginning in 1978. The building is remarkably well-suited to our requirements. Since the hearing we have had our consultant planner and architect, E. Verner Johnson, undertake a more refined analysis of the usable space in the Custom House in relation to the square foot needs stipulated in the Museum's 1985 comprehensive general plan and facility program. Ed Costikyan is writing to you and Senator D'Amato about this.

The information should satisfy any doubts as to the usable space in the building in relation to our requirements. If the 220 sq. ft. of usable space the GSA has said it believes is present in the building were all there were, we could not possibly fit ourselves into it. We have more than 100,000 sq. ft. now, and merely doubling it would not satisfy our needs.

The difference between the GSA figures and ours can best be explained by differences in definitions of what is usable. A museum's use pattern is quite different from one designed for offices.

Incidentally, I have a number of additional copies of the blue-covered Johnson report that shows our space-use plan for the building. If you believe it would be helpful for committee members or others to have one, please let me know.

With every good wish and our gratitude.

Sincerely yours,

Roland W. Force
President and Director

cc: Mrs. Kidd
Mr. Conable

Senator MOYNIHAN. I am glad to have to exercise a bit of the gavel here for our guests. We have such a distinguished person as Martin Barell, the Chancellor, waiting to speak. And we have the judge. Ten minutes, gentlemen, or we shall hear the wrath of this symbolic mace.

Mr. Abrams, we welcome you down from Salamanca. You will remember to speak into the microphone so you can be heard in the rear.

STATEMENT OF GEORGE H.J. ABRAMS, TRUSTEE, MUSEUM OF THE AMERICAN INDIAN AND DIRECTOR/CURATOR OF THE SENECA MUSEUM

Mr. ABRAMS. Good morning. My name is George Abrams and I am a "full blood" enrolled member of the Seneca Nation of Indians in New York State. I am the Director of the Seneca-Iroquois National Museum, a tribal museum of the Seneca Nation, located on the Allegany Indian Reservation, Salamanca, New York. In addition, I am also Chairman of the North American Indian Museums Association [NAIMA], an international organization representing tribal museums in the United States and Canada.

Today, however, I address this committee as a Trustee of the Museum of the American Indian, Heye Foundation. I have been a trustee of the MAI since 1977, with a brief rotation off the Board of Trustees as is required. During the past decade, I have seen and been privy to the many attempts that have been made by the Trustees and administration of the Museum to solve the tremendous problem of inadequate housing for the greatest treasure of American Indian material culture. Many potential solutions have been suggested and thoroughly studied over the years to solve the over-crowded conditions and under-utilized potential of this great resource.

I would urge, in the strongest terms possible, that the U.S. Custom House site at Bowling Green be designated the new, exclusive home of the Museum of the American Indian. This location would provide the ability for the Museum to house their numerous operations, now in three locations, under one roof. This site would provide the potential to exhibit a greater amount of this unexcelled collection, provide the critically needed expanded storage facilities, and the ability to make more accessible the tremendous research library of the Museum. The Custom House site would also provide critical space for future expansion. Also, the Museum would find greater economic security by their participation in tourism development in this area.

Recently, there have been renewed suggestions of space sharing with other governmental and private entities within the Custom House. I feel that this would be a drastic mistake as it would complicate and confuse the role of the Museum with the roles of social service programs, Federal departments, or performing arts. The Custom House can provide the needed facility and space for the Museum of the American Indian. However, space sharing will only lead to insufficient space and facilities once more. While our sympathies may also be with the Federal departments, performing arts, and social service entities, the fact remains that the MAI

needs exclusive use of the Custom House site in order to operate effectively.

As a Trustee of the Museum and as a Museum director, I have appreciated the interlocking needs of the Museum of the American Indian to find a new site and to find the new financial resources to secure the future of the institution. I am encouraged that it may be possible for the Museum to remain in New York as a distinct facility and with its own governance. It now appears that, with the allocation of the Custom House exclusively to the Museum, a major step will be taken in securing the location of the institution in New York. Hopefully, both the State of New York and the city of New York will aggressively and tangibly support the retention of the Museum of the American Indian in New York.

Finally, I would like to say that the treasures of the Museum of the American Indian deserve the showcase that the Custom House can provide. The service to New York and to the United States by having a greater exposure at the new site can have a tremendous impact on the Museum's representation of us as a country and particularly those of us who are Indian people. As we approach the Columbian quincentenary, we are presented with the ideal opportunity to establish a new beginning for the Museum of the American Indian, an institution whose collections represent the millions of Indians in the hemisphere living in dozens of countries, only one of which is the United States. Once again, I urge the passage of appropriate legislation that will provide that exclusive use of the United States Custom House be designated to the Museum of the American Indian.

Thank you.

Senator MOYNIHAN. Mr. Abrams, there is no more persuasive an argument than a brief one before these committees. We congratulate you.

Mr. Flanders, representing the Second Circuit.

STATEMENT OF STEVEN FLANDERS, CIRCUIT EXECUTIVE, SECOND CIRCUIT

Mr. FLANDERS. Thank you very much, Mr. Chairman. Senator D'Amato, Congressman Weiss. I note with special pleasure that pursuant to the wisdom of the Chairman and others, this hearing brings together all three branches of the Federal Government along with representatives of the State, city, the Museum, and various private groups in an effort to determine the best possible use for this magnificent structure, which has been an integral part of the plan for the Federal courts since 1979, when it was first determined that that was a possible and appropriate and satisfactory site for the United States Bankruptcy Court.

We have always taken, as I believe all of you know, the position that the remarkable public space in the main floor constitutes a unique resource for display purposes. We have never regarded that possibility as in any way incompatible with the needs of the courts as they have been planned for the upper floors. But now that the work is nearly complete to provide courtrooms and related facilities on the sixth and nearby floors of this building, the Federal courts do have certain concerns that they wish to place before this

committee, in connection with the proposed legislation to turn over the building to the Museum. I will speak to these briefly.

We are concerned about how long our right of occupancy might extend. Anticipating a move into the upper floors in May, the proposed date we see on possible legislation as December 31, 1991 would give us less than 5 years of occupancy. As I understand the thinking of this committee, at the end of that time facilities for the Bankruptcy Court will have been constructed in a major project that's been discussed here, across the street from the existing Foley Square Courthouse next door. This would, by the way, also include essential space for the United States Court of Appeals for the Second Circuit, and for Judge Brieant's court, the United States District Court for the Southern District of New York.

Living as I have done with the repeated delays on the Custom House project, I am fearful on behalf of the bankruptcy court and the public that it serves. It seems essential that the right of occupancy in what would be temporary space should be extended further.

Second, we are concerned about the capacity of the Museum—as Senator D'Amato raised these questions—to maintain such a huge and expensive a building. It is indeed that. We wonder if the Museum can adequately serve our needs as quasi-tenants during this interim period, if that is the intent of the legislation under consideration here.

Finally, we are concerned about the terms and conditions of occupancy, We wonder what the details would be. Not to intrude on the time of the Committee, the operation of a United States Courthouse, which this will be in part, is no simple matter. The Southern District Bankruptcy Court frequently holds hearings and conferences of immense significance, sometimes involving larger numbers of people from all over the country and elsewhere in the world. Sometimes major hearings must be held under unpredictable schedules. We would need indispensable access to the building 24 hours a day, 7 days a week, similar to what we have in other buildings elsewhere in the Second Circuit of far less significance.

In light of these concerns, we wonder if this Committee should provide in the proposed legislation for full ownership and control of the building by the Administrator of General Services throughout the period of occupancy of a portion of the building by the Bankruptcy Court. The work of this court is of enormous public importance. To give only a few examples, I appear here this morning in part because Chief Bankruptcy Judge Burton R. Lifland has a long-scheduled hearing on the financing of LTV Corporation, a multibillion dollar bankruptcy proceeding before him in this district despite the fact that LTV maintains its headquarters, ironically, in Texas. The LTV matter is little more than typical of major matters before our bankruptcy court in Manhattan, which include many of the largest bankruptcy proceedings in history, involving companies with worldwide interests, in addition to the numerous individual bankruptcies and bankruptcies of smaller corporations that vitally affect so many citizens of this metropolis.

As it happens, the last time I saw so distinguished a congressional representation in this area was across the street, in connection with a big demonstration, again in connection with LTV. There

were a great many people who were concerned, especially retired steel workers, about the effect of the LTV bankruptcy on their pension rights and their health insurance benefits. Quite a number of Members of Congress were here last spring to participate in the demonstration that took place on our front steps.

So I thank you for your attention this morning. We welcome this coming together of very disparate interests that share concern over this building. And we appreciate, and we hope that the indispensable public interests represented by the Bankruptcy Court and by other Federal courts will be well served by what comes out of your deliberations.

Senator MOYNIHAN. Thank you, Mr. Flanders. Would you have the goodness to give the greetings of this Committee and work to Judge Lifland, who obviously has more pressing matters to attend to.

Mr. Diamond.

STATEMENT OF WILLIAM J. DIAMOND, REGIONAL ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

Mr. DIAMOND. Mr. Chairman, Senator D'Amato, Congressman Weiss, Chief Judge Brieant. On behalf of the Administrator of General Services, Terence C. Golden, who could not be here presonally because of a preexisting commitment, I want to express my appreciation for this opportunity to present this Statement.

The administration believes the best use of the old Custom House at 1 Bowling Green is for the Museum of the American Indian. The proper housing of this preeminent collection is important to the cultural history of all Americans. We believe that the Custom House, because of its grandeur and historic significance, is the most appropriate site for the Museum.

Legislation conveying this property was introduced on July 29, 1986, by Congressman Morris Udall, known as H.R. 5284. The legislation provided that if the building ceases to be used as the Museum of the American Indian, title shall revert to the United States Government. The proposed legislation was not enacted into law in the 99th Congress. The administration continues to support the conveyance of the Custom House for use by the Museum of the American Indian as was proposed in H.R. 5284.

In terms of your concerns for the housing of the Bankruptcy Court, we have developed a plan which would provide for housing them on the fifth and sixth floors of the Custom House until the completion of the proposed Foley Square Courthouse Annex. During this period, the space would be provided to the Federal Government at no cost. We would, however, be required to pay for our own operating costs for utilities, cleaning and other services. Our plans currently envision the completion of the alterations for the Bankruptcy Court in the Custom House. GSA recognizes that the Old U.S. Custom House is one of the finest examples of Beaux Arts architecture in the United States, and we are making all alterations to the building with the objective of preserving its architectural integrity.

GSA also recognizes the enormous demands on the Federal court system in New York. In order to accommodate these needs, a new

courthourse building is required at Foley Square. Funding in the amount of $3.7 million for the design of the Foley Square Courthouse Annex is included in the President's requested fiscal year 1988 budget. It is anticipated that construction will begin in fiscal 1990.

We are suggesting that a new section be added to H.R. 5284, which I have attached here as attachment 1, which will implement this plan by: First, reserving to the United States the right of occupancy to the fifth and sixth floors of the Old U.S. Custom House until suitable permanent accommodations are provided by the Administrator of GSA to the U.S. Courts at the Foley Square Courthouse Annex to be built, or if such annex is not built, to another available site; second, providing that the Museum of the American Indian, its successors or assigns, shall operate and maintain the property in a manner satisfactory to the Administrator to insure that adequate services are provided at all times during the occupancy to the U.S. Courts; and third, providing that the Museum of the American Indian shall take no actions prior to the termination of occupancy which would interfere with the beneficial use of the property; and that in the event of a failure to comply with these provisions, the property shall revert to the United States.

To insure that a valuable national asset is properly maintained, we are recommending a second section, known as attachment 2, which would require that prior to the conveyance of the property, management and fiscal responsibility be demonstrated by the Museum and that all major planned renovations be reviewed and approved by the Administrator of General Services.

This concludes my prepared remarks, Mr. Chairman. I would now be happy to respond to any questions you may have.

[The attachments to Mr. Diamond's statement follow:]

ATTACHMENT 1

PROPOSED SUBSECTION 2(7)

(7) shall provide that the United States reserves the right of occupancy to the fifth and sixth floors of the Old U.S. Custom House until suitable permanent accommodations are provided by the Administrator to the U.S. Courts at the Foley Square Courthouse Annex to be built, or if such annex is not built, to another suitable site; and shall provide that the Museum of the American Indian, its successors or assigns, shall, at all times during said occupancy, operate and maintain the property in a manner satisfactory to the Administrator to insure that adequate services are provided to the U.S. Courts; and that the Museum of the American Indian shall take no actions prior to the termination of said occupancy which would interfere with the beneficial use of the property by the U.S. Courts; and that in the event of a failure to comply with the provisions of this subsection, the property shall revert to the United States; and

Existing subsection 2(7) of H.R. 5284 is renumbered 2(8).

ATTACHMENT 2

SEC. 3. Prior to the conveyance of the property referred to in Section 1, the Museum of the American Indian must—

(a) demonstrate to the Administrator of General Services that it has the management and financial resources necessary to restore and maintain the property, including preservation of the distinctive and historic architectural character of the site. The museum shall cooperate with and furnish to the Administrator all data requested by the Administrator to assist him in determining whether adequate management and financial resources exist;

(b) submit plans for all major renovations required, which plans shall be reviewed by an architectural engineering firm selected by and under contract to GSA. The Museum of the American Indian shall reimburse GSA for all costs incurred under such contract.

No conveyance shall be made until the Administrator concludes that the management and financial resources necessary to restore and maintain the property are adequate and approves all planned major renovations.

Senator MOYNIHAN. Thank you, Mr. Diamond.

Senator D'AMATO. Mr. Diamond, have you ever had an opportunity to measure out the usable square feet in the Custom House?

Mr. DIAMOND. Yes, sir. The General Services Administration has done that.

Senator D'AMATO. How many square feet of usable space is there?

Mr. DIAMOND. According to the General Services' measures, we have approximately 202,000 square feet. That is for the use as the General Services Administration predicated the building upon, which is essentially for the Bankruptcy Courts or for Federal office space.

Senator D'AMATO. Could there be additional space found that is not usable now? Obviously there must be some. In Dr. Force's report, they say they found more than 400,000 square feet.

Mr. DIAMOND. When Marcel Broyar Associates measured the building for the GSA back, I believe, in 1979 the scale drawing showed no more gross than 350,000 square feet. Of course, that does not include what would have to be taken out of that, which would be fire stairwells—two of which have just been installed—elevator shafts, extensive corridor space, loading docks and areas of that nature.

Senator D'AMATO. So you are saying 358,000 square feet including the stairways, the fire escapes, elevators, et cetera.

Mr. DIAMOND. Yes.

Senator D'AMATO. I am going to ask you, then, if you would not review the plans set forth by Dr. Force in terms of his consultants and see where the difference is, and give a report to the chairman of what that would be.

Mr. DIAMOND. We would be happy to do so. Of course, sir, we cannot put ourselves in the shoes of the Museum in the sense of interpreting what the Museum's——

Senator D'AMATO. I am talking about the gross footage in the building and that which will be used and must be used, such as stairways, such as boiler rooms, such as those that are not usable square feet in terms of any other use other than keeping that building operating.

Mr. DIAMOND. We will be happy to do that, sir.

Senator D'AMATO. Do we agree, Doctor, you are not going to say elevator space is usable?

Dr. FORCE. It is a building seven stories high, Senator. That is part of your public service facilities.

Senator D'AMATO. Oh, wait a minute. Let's have it defined—what's usable and what's not usable. I begin to see.

Mr. DIAMOND. We will be happy to do that.

Senator D'AMATO. Very good.

Dr. Force, you have heard the Administrator's report with respect to the utilization of the fifth and sixth floors until a suitable

site for the court can be arranged. What is your thinking with respect to that?

Dr. FORCE. I think it's fairly open-ended, Senator. I understand what he's saying. I would certainly talk with him about this. I do understand the problems with the court. They don't have enough room in their facilities. They are not what they should be. It is very similar to what we face. So I think we should certainly sit down and talk about this. I think it is pretty open-ended.

Senator D'AMATO. As a precondition. This is known in legislation as a condition to any conveyance, so it's not open-ended; one of these things we will talk about. Yes, we will maintain the Museum up on 155th Street if we have to. That's not what Senator Moynihan is talking about. That's not what the Administrator was talking about. It's not an open-ended discussion. It is an open-ended intent you have because I don't think you will see a courthouse completed in 1992. What about the Museum operating in a situation where you have the fifth and sixth floors being used until there is a bankruptcy court facility available?

Dr. FORCE. Since this is the first I have heard this, Senator, we haven't had a chance to analyze it at all. We had understood it would be a 5-year period. This is information I received from Mr. Conable. That we could do. We simply would not be able to occupy those places with any Museum offices or storage areas or anything of that sort.

The reason I say it was open-ended, I don't mean to say that it should not be resolved. I mean, before the legislation is firmed up, we should all know what we are talking about. If it takes 10 years to get a proper facility, it's very different than 5 years.

Senator D'AMATO. I think we should know what we are talking about. Similarly, if it takes $6 million a year to run a facility and you have $3 million available, before conveyance of the $60, $70, $80, $90 million of the Federal Government should be made, I don't think it's unreasonable to see some very definite, firm figures as to where these dollars are going to come from; do you?

Dr. FORCE. Not at all. We have provided very definite figures. We will provide more.

Senator D'AMATO. In conversation with the Mayor's office, that data, from what I understood, has not been forthcoming with respect to these finances.

Let me ask you one final question. I also ask Mr. Abrams to comment. Does there exist an opportunity for further discussion with respect to the utilization of the Museum of Natural History and its outstanding offer, which I understand has been rejected. Would you sit down to discuss with them the possibility of utilizing their 200,000 to 225,000 square feet building that they talked about?

Mr. Abrams, do you find that offer repulsive?

Mr. ABRAMS. The discussions that have gone on, not only within and among the Trustees but also with groups of American Indians, all have expressed their opinions with regard to the exhibition of American Indian themes and what the American Museum of Natural History has offered. It has been indicated clearly to me that there is an objection to having a continuation of that type of presentation of them. Some of them certainly expressed very strongly that they object to being with the dinosaurs and geodes, etcetera.

Senator D'AMATO. As I understood it from the American Museum of Natural History people, they were talking about an entirely separate building, separate entrance. There would be a connection.

Mr. ABRAMS. Connected facilities. And it was not an adequate facility for purposes of the Museum of the American Indian. It was totally inadequate. It would ultimately lead to the merging of and, ultimately, disappearance of separate governances for the Museum of the American Indian.

Senator D'AMATO. Mr. Chairman, I thank you for your indulgence.

I might make the observation, it seems to me this is more of a battle of governance than it is over adequacy of facilities, as it is with respect to desirability of the location. For anyone to say in characterization that this is the placing of Indian culture and artifacts among dinosaurs, that is a gross misstatement of what I believe the people from the Museum of Natural History have put forth. I am not suggesting there might not be some legitimate—very ligitimate—concern with respect to governance, with respect to exhibition space, the operation, and I do suggest that it appears to me this is a gross misstatement, and clearly appears to me that all this is about is governance. We want our museum under our conditions, our place. And that the rather purposeful mind set that has set in here to force a take-out proposition or we leave mentality—I think that's unfortunate.

Thank you.

Senator MOYNIHAN. Sir.

Representative WEISS. Dr. Force, when do you expect the Museum of the American Indian to start moving into the Custom House after the renovations we are talking about, say, within the next 6 months?

Dr. FORCE. We have projections, Congressman Weiss, that stretch over the next 5 years.

Representative WEISS. Starting?

Dr. FORCE. Starting in 1987. The action of the Congress allows for that. So we have done some planning.

Representative WEISS. Mr. Diamond, you said that one of the requirements you will have is that, prior to conveyance of the property, the Museum of the American Indian must demonstrate to the Administrator of General Services it has management resources necessary to restore and maintain that property.

Mr. DIAMOND. Yes.

Representative WEISS. I also assume that means operating expenses?

Mr. DIAMOND. Yes.

Representative WEISS. What would you require as a demonstration of that capacity?

Mr. DIAMOND. The Administrator has not yet formulated exactly what this would be. But I would like to put on the record the fact that the United States Government has planned a phase two to complete the building at a cost of approximately $10 million. We don't know exactly what the plans of the Museum would be to cover that cost.

Representative WEISS. Your expectation of that $10 million would be forthcoming from the Museum?

Mr. DIAMOND. That's right.

Representative WEISS. In what timeframe is that work to be completed?

Mr. DIAMOND. That work would have to be completed to occupy the space. Some of it would have to be completed even in advance, because it obtains to the entire space. For example, it would be best to put them in entirely in phase two even though there's a stage use of the building. The $10 million doesn't have to come exactly all up front at once, but we presume that it would have to be there within a period of time to compensate for the moving.

Representative WEISS. Before the Museum started moving into the facilities?

Mr. DIAMOND. No, some of it could be staged. We presume, of course, the Federal Government planned to do it all at once, originally. We did not foresee when the Museum was going to stage its occupancy.

Representative WEISS. I would appreciate both from you and from Dr. Force a specific dollar and timetable demonstration as to what you would need by when and Dr. Force, what you would have available by when, so we can see whether, in fact, these two would mesh.

Mr. DIAMOND. Would you like to include our estimate of per square foot of the maintenance of both as to the entire building and as to the portion which is currently not occupied by bankruptcy courts?

Representative WEISS. Right.

Mr. DIAMOND. Thank you.

Representative WEISS. Thank you.

Senator MOYNIHAN. We are running out of time. Senator D'Amato and I both have speaking engagements which doesn't give us much flexibility. I still want to hear from Mr. Flanders and Mr. Diamond.

First of all, will you stop calling it the Foley Square Courthouse Annex. It is a courthouse. We are going to build a courthouse.

Where are you going to build it?

Mr. DIAMOND. If I may, sir. This is the existing courthouse—Foley Square Courthouse—over here. The Annex——

Senator MOYNIHAN. No.

Mr. DIAMOND. Annex courthouse.

Senator MOYNIHAN. No.

Mr. DIAMOND. The new courthouse. To be named subsequently, I'm sure, for a Member of Congress. It would be here on the parking site and there would be a connection to the existing courthouse building.

Senator MOYNIHAN. It would be directly north or across the street from the Javits Building. That's the old Collic Pond; isn't that right?

Mr. DIAMOND. That's right, Senator. However, this land is owned by the city of New York. It is not owned by the Federal Government.

Senator MOYNIHAN. It could be donated.

Mr. DIAMOND. I'm sure you will have an opportunity to——

Senator MOYNIHAN. It is owned by the city of New York and it is now being used at its lowest possible use, which is a temporary parking space.

Mr. DIAMOND. That's the way I understand it.

Senator MOYNIHAN. There is no major demolition of existing structures?

Mr. DIAMOND. That's right, sir.

Senator MOYNIHAN. Thank you very much.

Mr. Flanders, does that correspond——

Mr. FLANDERS. Absolutely. I may say to supplement that, that we have had the benefit of very satisfactory discussions with the city and they have expressed interest.

Senator MOYNIHAN. And GSA, so I understand what you will need——

Mr. FLANDERS. And Senator D'Amato has been of great assistance and participated in those as well. We feel that we are quite comfortable with all——

Senator MOYNIHAN. For the record, the bankruptcy court probably shouldn't be viewed as a structure. Let's see if we can't do something a little better than the building we are in now.

We thank you very much. And we will move right ahead to our next panel. I think we have learned a lot. We have commitments.

Mr. Diamond, you have made a commitment. Dr. Force, before you are even allowed to leave here, you will have to give us that statement (see p. 35). And we are moving along very well.

[The information requested from Mr. Diamond follows:]

General Services Administration, Region 2

FEB 2[illegible] 1987

Honorable Daniel P. Moynihan
United States Senate
Washington, D. C. 20515

Dear Senator Moynihan

I was pleased to be able to appear before the Feb. 12, 1987 hearing in New York City by the Subcommittee on Water Resources, Transportation and Infrastructure, U.S. Senate Committee on Environment and Public Work and present GSA's position concerning the future use of the Old Custom House located at Bowling Green in New York City.

During the hearing three issues were raised for which I have been requested to respond. The first issue deals with measurement of the space contained in the building as estimated by GSA. The second issue concerns the cost of operating the building and the third item concerns the restoration and renovation work at the building.

Measurement of buildings is far from a perfect science and can vary to some extent each time a building is measured. For the purpose of simplicity we are basing our measurements on information contained in a "Program For Reuse" prepared for GSA in November 1979 by Marcel Breuer and Associates. The reuse program varies somewhat from existing conditions in that it represents a completed building (with some new space created) and the current conditions reflect a partially completed building.

The Marcel Breuer and Associate figures are as follows:

Total Gross	488,550 sq. ft.
Utilities, Toilet Rooms	- 56,600 sq. ft.
Circulation (corridors, stairways, elevators shafts)	- 90,360 sq. ft.
Construction (thickness of exterior walls, etc.)	- 90,450 sq. ft.
Net Assignable	251,140 Sq. Ft.*

A floor-by-floor breakdown is attached.

*Includes a 15,000 sq. ft. atrium that has not been constructed.

The three deductions for this building approaches 50% of the gross square footage which is higher than the average office building. These higher deductions can be ascribed to the age and opulent nature of the building which include wide corridors, large lobbys, heavy stone construction and large open stairwells as well as other such features.

While GSA has determined the useable space to be 251,140 sq. ft., museums categorize space differently for their use than does the Federal Government for use as office space, thereby possibly accounting for a larger useable square footage claimed by the Museum of the American Indian.

GSA has estimated that the cost of operating the building would be $1,436,000 totally occupied if used to house Federal agencies. A partially occupied building housing only the Courts would cost $736,000 to operate. Operating cost includes cleaning, mechanical operation and maintenance, repairs, utilities and elevator maintenance We expect that such cost would be significantly higher if the building operated as a museum because of the longer operating hours, higher security, humidity controls and other cost due to a higher volume of visitors.

In regard to the work in the building, attached is a list of work items that have been or are being accomplished under Phase I ($26 million). In addition there are work items under the balance of Phase I ($3 to $5 million) and Phase II ($9 million) that would have been undertaken if the building had remained in GSA's inventory and used solely for Federal tenants.

I hope the above information proves useful and GSA stands ready to answer questions or provide any additional information you may require.

Sincerely,

Bill Diamond

William J. Diamond
Regional Administrator

Enclosure

OLD CUSTOM HOUSE

BOWLING GREEN, NY

GSA CONSTRUCTION PLANS

PHASE I (Work Completed or Under Construction) ($26 million)

Current Construction

- New Windows
- Roofing including Rotunda Dome
- Stone Work - repainting
- New loading docks
- New elevators
- Mechanical & Electrical major equipment
- Perimeter Fan Coil System
- Risers to all Floors
- Finish 6th and most of 5th floors for Bankruptcy Court and U.S. Trustee.

PHASE I (Additional Work) ($3 to $5 million)

If the building remains in the Governments inventory the following work is planned with the remaining funds under the prospectus. This includes all or part of the prospectus escalation of 10%.

- Complete finishes (office space) on the 3rd, 4th and 7th floors.

- Do some fine arts restoration.

PHASE II (New Prospectus) ($9 million)

Also above if the building remains in the Governments inventory.

- Finish balance of space - Basement, 1st, and 2nd floor.

- Balance of Fine Arts Restoration.

- Auditorium.

	GROSS	UTILITIES	CIRCULATION	CONSTRUCTION	ASSIGNABLE
Sub-basement	87,894	34,460	8,552	15,705	29,177
Basement	69,129	2,768	15,560	19,958	30,843
First Floor	61,688	2,768	11,286	9,540	38,094
Second Floor	58,509	2,768	11,061	9,857	34,823
Third Floor	47,385	2,768	10,340	9,084	25,793
Fourth FLoor	43,007	2,768	8,516	6,964	24,759
Fifth Floor	44,005	2,768	8,478	7,720	25,039
Sixth Floor	42,895	2,768	8,588	6,923	24,616
Seventh Floor	34,038	2,764	7,979	4,699	18,596
Totals	488,550	56,600	90,360	90,450	251,140*

* Include an approximately 15,000 sq. ft. artium that has not been constructed.

Senator MOYNIHAN. Our next panel is representative of our State and in various forms. Mr. Cornelius Foley, who's the Deputy Secretary to Governor Cuomo. Ms. Diane Coffey, who's the chief of staff for Mayor Koch. The Honorable Martin Barell, who's the Chancellor of the Board of Regents. And the Honorable Stanley E. Michels, who's Councilman for the district. I understand that Councilwoman Friedlander is here.

Would you not like to join us. You may have to sit on the floor.

I am going to ask the Chancellor if he would speak first. He showed great patience and thoughtfulness to be here. I think it suggests the degree of interest in education of the community and the State when the board should be represented by the Chancellor.

STATEMENT OF MARTIN C. BARELL, CHANCELLOR, NEW YORK STATE BOARD OF REGENTS

Mr. BARELL. Thank you very much, Senators Moynihan, D'Amato, Congressman Weiss and Judge Brieant.

My name is Martin Barell, and I am Chancellor of the New York State Board of Regents, which governs the chartering of museums in this State as well as establishing policy for education at all levels in this State. One of our major objectives is to integrate use of our cultural resources into the education of all students, teaching them about the richness of our own and other cultures and connecting the diverse and superb cultural institutions which are available for a lifetime of learning.

The Board of Regents' interest in the location of the Museum of the American Indian stems from the recognition that this Museum and its collections represent an exceptional resource for learning by all of our citizens.

Mindful of our time requirements, I would like to depart briefly from the depth of prose that has been prepared for me by the department, and tell you that I had the pleasure of visiting at the Museum around the time I was elected—not the Museum, but at its warehouse in the Bronx, at the point when I was selected to the Regents, some 11 years ago. While I don't rise into the professionalism of Mrs. Moynihan, I am something of a minor archaeology student and I had all sorts of things flash through my head, as well as any history student. I thought of the fact that in Southern New Mexico there's a place called Volsaquia, where they found artifacts that are similar to what they found among the Indians and Eskimos of the Bering Strait. The discussion Dr. Force gave us about how the Indians moved from the Bering Strait and moved down south to what is now Mexico. I think in addition to which that it is important, for example, that the people of this State learn that despite what Longfellow said, Hiawatha didn't come from Minnesota. And though there is a lake there called Gitche Gumee there, Hiawatha was an Indian at the Mohawk tribe who came——

Senator MOYNIHAN. He used to live at Hiawatha Terrace.

Mr. BARELL. Then there were five nations and later it became the sixth with the addition of Tuscarora. Last but not least, at this Museum is the carbine of a fellow by the name of Geronimo of the Apache. It seems to me that the children of this State and the country ought to know of how these people, our native Americans,

up against tremendous odds were able to stand off the peoples of the Army of the United States. For me, it was a very great learning experience, and I must assume that I would like to have this translated into action, so it be available for all the children in this State. It is our strong conviction that this Museum should remain in New York City. It is our equally strong judgment that the current facilities of this institution are inadequate for the unique collection. As the Senator mentioned the reason for the Smithsonian—the executive director of the Smithsonian has indicated that this is by all means what we call a world-class Museum, and there's no comparable collection of Indian artifacts anywhere, any place. And as a very, very modest collector of Indian artifacts, I can testify in my own amateur fashion, this is a fact.

Over the past 2 years we have sought aid in the development of a satisfactory resolution of the Museum of the American Indian's need for additional storage and exhibition space, and their desire for a more accessible location. Our role has been, frankly, to act as honest broker between the primary parties to encourage public support of a proposed workable solution, and to assure a viable New York site for the Museum. Your legislation, proposed as it is, is a welcome commitment to the unique nature of this. I support this potential solution to identify adequate facilities, and ongoing support of the Museum of the American Indian. But I don't, by any means, to intend to put forth the concept this is the sole alternative. I regard this as a viable alternative, one that should be investigated and one that should be surrounded with many of the safeguards that have so far been discussed by the various people who have just discussed it.

I think if we are successful and if these requirements can be met, we ought to have a successful museum here in New York. So far, at least in terms of the dealings with MAI and the American Museum of Natural History, the city and State have each pledged $13 million in capital funds for a new facility originally intended to be erected at the Amercian Museum of Natural History. If this proposed legislation is successful, and this Custom House becomes available to the MAI, I am hopeful that a comparable pledge may be obtained from both the city and State. The Congress need to require as a part of this legislation that there be an understanding as to a financial plan and a commitment which assures the Federal Government that the projected financial viability of the MAI for the operation at the new location. Such a plan should display a totality of resources: Federal, city, and State, and MAI and private—committed and anticipated. The extent of our national, State and city efforts to house and tend this treasure ought to match their value and importance. This Custom House office building is such a structure.

I thank you for the opportunity on behalf of the legislation. I truncated some of the remarks in the interest of saving time, which I am sure you appreciate. I commend you for your commitment to ensure this collection of incomparable documentation of the people of the Americas will be preserved and made accessible for generations to come.

Senator MOYNIHAN. Thank you, sir. I needn't say that this can only happen under the auspices of the Regents of the State of New York.

I understand that Judge Lifland is in the chambers. Your Honor, we welcome you to this hearing. And we know you have been engaged in some incredible complexities. But we are thinking about you.

Back to our sequence. Mr. Foley.

STATEMENT OF CORNELIUS J. FOLEY, DEPUTY SECRETARY TO GOV. MARIO M. CUOMO

Mr. FOLEY. Good morning, Senator Moynihan, Senator D'Amato, Congressman Weiss, Judge Brieant.

My name is Cornelius J. Foley. I am Deputy Secretary to Governor Cuomo for Education, Local Government and the Arts.

I am here this morning on behalf of Governor Cuomo to speak on the proposal for the transfer of the United States Custom House to the Museum of the American Indian.

Governor Cuomo regrets that he cannot be here himself this morning to speak directly to you on this most important subject. However, the Governor would like to share with you his thoughts with regard to the Museum of the American Indian and the proposal regarding the transfer of the Custom House.

The Museum of the American Indian is a priceless collection of over 700,000 Indian artifacts from both North and South America. This collection is simply without peer, by far the most comprehensive such collection in the world. There may be no other resource in the world which can document the sociological and cultural diversity and history of the Indians of the Western Hemisphere. As such, it is a cultural resource that should be shared with as many people as possible.

Through the 1970's and 1980's, the Museum of the American Indian has undergone a continuing period of stress. Much has been written and said concerning these difficulties and various solutions to their resolution. The Governor's primary objective throughout this period has been to ensure that the Museum remains in New York State. To that end, Governor Cuomo and Mayor Koch announced in April of 1985, almost 2 full years ago, that the State of New York and the city of New York were prepared to allocate $13 million each to help the Museum of the American Indian.

At that time, Governor Cuomo said:

> The Museum of the American Indian is an irreplaceable treasure. It would be a tremendous cultural loss to our City and State if the Museum moved to another State. Both Mayor Koch and myself are committed to do all we can to help keep the Museum here in New York.

The Governor's statement and commitment are witness to his strong support for the Museum.

Over the last few years, there have been efforts to move the Museum from New York. Attorney General Robert Abrams has opposed such efforts as inimical to the trust which created the Museum. The Governor has supported the Attorney General's efforts in this litigation.

Throughout the period of the last 2 years, the Governor has closely followed developments regarding the Museum. Recently, he was interested to see that H. Ross Perot on January 27 announced his support for the Museum's efforts to obtain the Custom House for its future home in New York City.

The Governor's position has consistently centered on the objective of keeping the Museum in New York. Having said that, the Governor does not believe it appropriate for him to call for one particular arrangement over another. The Museum of the American Indian should obviously seek to determine its future, to display its outstanding collection in an appropriate setting and to share the collection with as many viewers as possible.

The Custom House proposal before the subcommittee today is, simply stated, a good idea. If a consensus can be achieved between all the interested parties—the Museum, the Federal Government, its various affected agencies, New York City and others—the Custom House would offer a fine physical surrounding in a center of tourist activity that would bring the Museum's collection to an expanded audience. New York City is a crossroads of travel and commerce and the location of the Museum here makes it accessible to literally millions of people.

The Custom House is located in Lower Manhattan near the Holocaust Museum, near Battery Park, near South Street Seaport, near other tourist attractions, and near the Statue of Liberty. The proximity of these great attractions will be of real assistance to the Museum in its efforts to reach a larger population and to show more of its collection.

Other efforts with similar objectives have been made to help the Museum, but they have not come to fruition. The Custom House is a good idea, but, again, it is contingent upon a consensus.

The Governor is concerned that such a consensus include a realistic financial plan for the Museum's future. The Governor's commitment for the use of the $13 million is strong, but he wants to ensure that the $13 million is wisely used as part of an overall, carefully developed plan.

In closing, the Governor wishes to express his thanks to you, Senator Moynihan and the Members of the subcommittee for this opportunity to express his views on the Museum of the American Indian. The Governor wishes to commend you for your leadership on this issue. Finally, the Governor pledges his cooperation and assistance to you and the members of the subcommittee in your continuing efforts on behalf of the Museum of the American Indian. Thank you.

Senator MOYNIHAN. Thank you, sir.

Now, Ms. Coffey, in the spirit of the occasion, what do you say you come forward with an absolutely magnificent poplash and offer the site on Foley Square.

Ms. COFFEY. Senator, we love you for having this hearing, but I think it would be very uncharacteristic of the City to give anything away—particularly a piece of property as valuable as that one.

Senator MOYNIHAN. You would like to give your testimony now?

STATEMENT OF DIANE M. COFFEY, CHIEF OF STAFF FOR MAYOR EDWARD T. KOCH

Ms. COFFEY. Thank you.

I am the Mayor's Chief of Staff and I am also the Acting Commissioner of the Department of Cultural Affairs. Mayor Koch has asked me to appear here today on his behalf and on behalf of the city to express our determination to keep the Museum of the American Indian in New York, and our consequent strong support of the effort to find a permanent home in New York for the Museum.

It is in the context of this determination that the city supports the proposal to use the Custom House as home for the Museum. The relocation of the Museum to that site may indeed assure that the Museum can carry out its mission to preserve and exhibit its unparalleled collection within New York. The city is, however, concerned about the present ability of the Museum to raise the necessary revenues to operate at that site, and whether the landmark laws would allow the Museum to use the building in the manner that it plans. We are prepared to work closely with the Museum to resolve these concerns, and believe that they are of such fundamental importance that they must be resolved before the Custom House is committed to the Museum.

Before discussing the Custom House in greater detail, I just like to mention the city's involvement with the Museum of the American Indian's attempts to relocate. In particular, our recent efforts have included referring the Museum to such possible locations as Battery Park City, Flushing Meadow Park and the former Gimbel's Building on Manhattan's upper east side.

As you also know, the city has also been actively involved with the efforts to bring about an affiliation between the Museum of the American Indian and the American Museum of Natural History. We have always believed that such a relationship—one in which the two independent institutions, housed in separate though connected buildings, would coexist on the Natural History campus, sharing not only some facilities but also some knowledge and expertise—would be uniquely advantageous to both institutions and to the residents of this city.

With regard to the Custom House, we have communicated to the Indian Museum our support for the possibility of its moving there, as I said. However, we have also informed the Museum that we could not provide our full and enthusiastic support until basic questions were answered, primarily in the areas referred to as financial viability and appropriate use of space.

We have asked the Indian Museum to provide us with a substantial plan for the Custom House. We requested specific information about projected operating expenses and how they would be met; about anticipated new staffing needs; about renovation and construction required to transform the Custom House into a museum facility; and about educational and outreach programs. In response to our inquiries, the Museum has provided a staffing plan; ideas for educational programming; preliminary drawings of the uses to be made of certain sections of the Custom House; estimates of some expenses; and income projections from various sources.

While the data is encouraging, frankly, it is not sufficiently specific for us to assess with any accuracy the cost projections. On the income side, the city is concerned that the Indian Museum, although it has projected an income stream from membership, admissions and concessions, has not yet shown us a detailed development plan for raising contributions from sources other than the city, such as other levels of government and such private sources as foundations and corporations. It is a basic fact of museum operation in this country—as I think both Senators and Congressman Weiss know—that a healthy and effective museum requires a broad base of support, a partnership which involves all the community. This is a particular concern since the move to the Custom House, as contemplated by the Museum, will instantly increase its size and scope by at least a factor of six. Its funding needs can be expected to increase at an even higher rate.

The city is also concerned about the Indian Museum's design plans for the Custom House. As you well know, Senator Moynihan, through your involvement many years ago on this issue, the exterior of this Beaux Art building is landmarked, as are significant portions of the interior, including the rotunda—which is wonderful. The city requires assurances that the Museum's reconstruction and proposed use of the Custom House will be consistent with the letter and spirit of the city's landmarking guidelines.

Should these issues be resolved, I would like to review the commitment the city is willing to make. As others have heretofore stated, both the Governor and the Mayor in 1985 made a commitment to the Museum of the American Indian, each of $13 million, to relocate at the site contemplated by the American Museum of Natural History. I am here today to announce although we still feel that an affiliation between the Indian Museum and the Natural History Museum is possible and desirable, the Mayor has extended the city's offer so as to make the $13 million available to the Museum should it receive the Custom House and should it meet our requirements which we have asked for on finances. Very important.

It must be pointed out this allocation—and I want to emphasize this—this $13 million which the city has pledged is no grand gesture and is not done lightly. It is very unusual in terms of its size. It's unprecedented in terms of its single allocation for a cultural institution, particularly one with which the city has no prior funding history. It unquestionably demonstrates the full extent of our appreciation of the collection's value and our commitment to maintaining it in New York. But it also underscores the importance of receiving very, very specific information on where the other funds would come from.

In addition, the city of New York is also willing to consider supporting the operation of the Museum annually, as it does 32 cultural institutions, consistent with a detailed funding plan for the Custom House site that includes an appropriate mix of public and private dollars. Although such a plan is not now in place, it is with a view to that end that we have been corresponding with the Museum since last summer.

Finally, wherever in New York City the Museum of the American Indian eventually relocates, we too are concerned that there be

a cultural presence maintained at Audubon Terrace. And we will work with both Senators and the community and the other local officals toward that end.

Finally, on behalf of the Mayor and the city, I want to thank Senator Moynihan, Senator D'Amato, Congressman Weiss and Judge Brieant for focusing attention to this critical issue at the hearing today. I am hopeful that we can reach a solution. Nothing is impossible. Just the way your Federal property that you desire is not impossible.

Senator MOYNIHAN. I want to read this statement before me before we hear from our elected representative. It is by Dr. Force to the subcommittee.

This will confirm my statement to the Subcommittee that if the Custom House is made available to the Museum of the American Indian, the Museum will maintain a satellite museum at its present Audubon Terrace site.

Thank you, Dr. Force.

Let's continue. Councilman Michels.

STATEMENT OF STANLEY E. MICHELS, COUNCILMAN, THE CITY COUNCIL OF NEW YORK

Councilman MICHELS. Yes, sir. I thank you very much. I would like to thank the Subcommittee for having the hearing on this very important issue. Senator Moynihan, thank you. Senator D'Amato, Congressman Weiss and Judge Brieant. I am Councilman from North Manhattan, the district in which this Museum is presently located. I am very much involved with this Museum. I have, since it is not only located in my district, but it's where I lived all my life. This is an issue which I have worked on since 1978, when I first came into the Council. I am very much concerned about it, feel very strongly about it. It is of utmost importance to my district. I am a frequent visitor to this Museum. As a former lacrosse player, I have enjoyed visiting the lacrosse center which is there as well as many of the wonderful artifacts in this Museum.

Now that Ross Perot has withdrawn his offer to move the Museum to Dallas, there is apparently no immediate threat of it leaving New York—if in fact there ever was one. The question, I note with some sadness, has now become: where in the City should it go?

Obviously, the ideal solution for my community would be for the Museum not to leave at all. But we have long understood that it is not a realistic situation. But residents recognize its space limitations, and grudgingly understand why Museum officials are eager to move. Nevertheless, we are determined to see that the Museum does not completely abandon Audubon Terrace, and I applaud you, Senator Moynihan, and now I am grateful after hearing that statement by Dr. Force that they have committed themselves to stay in the community and maintain the building.

For those who are unfamiliar with Audubon Terrace, it is one of the most unique cultural facilities in a city known for its wealth of cultural attractions. Recently dubbed "Acropolis North" in the New York Times for its classical greek architecture, Audubon Terrace houses several cultural institutions, including the Hispanic Society of America, American Academy and Institute of Arts and Let-

ters, Academy Francaise, and the American Numismatic Society. The Museum of the American Indian, however, must be considered the cornerstone of the complex.

May I just make a comment and say I resent the statement made by Dr. Force that, "The Museum should not be relegated to some obscure place in some undistinguished building." I think that happens to be wrong.

Because of its location, off 155th Street and Broadway, Audubon Terrace may be considered off the beaten path for some New Yorkers and tourists, but it is a source of great pride—and some revenue—for the surrounding neighborhood. Its importance is underscored by the city's having declared it a landmark—your words, Senator.

Clearly, a total abandonment of Audubon Terrace by the Indian Museum would prove disastrous to the entire area. We will see, hopefully, a commitment that will make sure it is. In fact, perhaps enforceable and perhaps even made part of the legislation, if it is to be legislation. It is important, especially to the American Numismatic Society, who just recently launched a fundraising drive to bolster its operations at Audubon Terrace.

In 1979, the Chairman of the Board committed himself to remain. I am very glad that commitment is being kept.

As to the propriety of a move to the former Custom House building in Lower Manhattan, may I point out, as others today no doubt will, and probably already have, the continued existence of an offer from the American Museum of Natural History to build a completely new building for the Indian Museum on the Museum of Natural History grounds at West 81st Street. It is my understanding that Natural History Museum is willing to put up close to $100 million for construction and maintenance of this new facility, and the city and State of New York have each pledged $13 million. This seems to be a much more desirable solution to the Indian Museum's shortage of space than a move to the Custom House, which is likely to cost taxpayers several hundred million dollars. And also the problem which was well pointed out by Senator D'Amato, as to whether or not they will be able to raise the money sufficient to maintain the new location at the Custom House. I also think the Indian Museum Trustees will find, in the long run, that this move makes more sense for them. The Museum of Natural History is offering more space than the Custom House contains and would provide more exposure, since the Museum is one of the most widely visited cultural institutions of the city of New York, has its own national magazine and some of the great experts in artifacts in the world. Combining the treasures of the Indian Museum and those of the Museum of Natural History would, by far, create the greatest collection of native American artifacts in the world—and that is not something to be passed over lightly.

The American Indian is one of the great treasures of the city of New York. Like everyone, I am pleased that the real or created threat of leaving the city of New York to go to Dallas is no longer present. Let's not act rashly in terms of its future. There are important factors to be considered. Let us remember that we are here because we care about the collection. That collection belongs to us and to our posterity; and not to a few persons who are merely tem-

porarily acting as its trustees. We must help determine how these treasures that carry so much importance can be accessible to the greatest number of people. We must, then, look beyond the whims of a few men and do what is right for the greatest number of Americans—native and otherwise.

In summary, the Museum belongs to New York and belongs to this country. It should continue its partnership with Northern Manhattan, which I am glad to hear is done, and which has been its home since 1922. It should keep the interest and you should keep the interest of the Americans in all parts of this foremost museum and its collection should be given most paramount consideration. Thank you.

Senator MOYNIHAN. Thank you, sir.

STATEMENT OF MIRIAM FRIEDLANDER, COUNCILWOMAN, THE CITY COUNCIL OF NEW YORK

Councilwoman FRIEDLANDER. I have not had time to burden you with a written statement. I really want to reflect sort of the word and spirit and the enthusiasm of my district, which is the lower Manhattan district, in which the Custom House exists. But more than that, the lower Manhattan district in which we have both a very strong cultural base and we have a very strong court base, as you all know. And we range from the variety of groups and ethnic and minority backgrounds that have made New York, New York. And we really have gone to the whole country to make the whole country such. I have to reflect the tremendous enthusiasm of my own District and the cultural groups here, and the organizations and the community groups for receiving the Museum of the American Indian. It is a logical place. It is well interrelated and integrated with the history of New York City, and it is a place that would deeply appreciate it, as an important expression of what has made both our city grow and our country grow. And this one is really long in coming in being recognized as one of the key forces, historically, culturally, and otherwise, for our city. So, differing with my colleague, I would say the building—the Custom House building—is a logical place. I recall seeing the exhibit there in 1978, 1979. I have over a lifetime—a long one—visited the Museum at 155th Street, and I do believe that this move is one well deserved by the native Americans themselves, by the cultural history of the country, and by the historical architectural building to be devoted to this in our community.

I think that while we are now discussing the details of the move, that is promising. That means we are on the way. And the struggle as to where the financing is coming and how the contributions are going to be made are really already committed. If the Federal Government is committing itself to the possibility of that legislation to make the building available, if the State and the city have already committed themselves to a major budget, if the historical museum has already committed itself to the raising its breath of the funding necessary, then all that is really needed here is not to destroy the unity of that commitment, to come together to bring this wonderful institution into this wonderful, fantastic building, but rather to say we are well on our way to bringing these pieces together and

in a puzzle that will emerge as one of the finest museums in our country, for international significance, in our City.

I join with those and I think I reflect both the thinking of the people of my community who come from many different groups: The Irish, Italian, the Jewish, the Hispanic, the Blacks, the Asians, the many groups that have come into our community. And I am sure we both represent them very well. We have a few more. We have some Indians, we have Koreans, we have Vietnamese, we have Mohawks. I think we are all agreed. I am so glad we join. I think I speak for my community, including all of the people there who have come from many lands. And you can only sustain that in your process of work, because I know you are there.

I think the point I was trying to reach, if I may, is that this Museum, the native American people should not be considered even in the light of subtenants of any other museum; not as an administrative convenience; not as a financial convenience; and not as one in which the power of major museums are going to dominate; where the emergence of this very important, fine, museum exists. I think we all owe it to our people—and I say our people. The building is available. I think in all that the American Indians have given to us in the creation of our city, the least we can do is to give to them this beautiful old cultural heritage of the Custom House.

Senator MOYNIHAN. Thank you very much. Senator D'Amato.

Senator D'AMATO. Mr. Chairman, I was going to ask some questions of Diane Coffey, the Mayor's Chief of Staff, who I think spoke to some of the concerns that I have. Some people may say its nitpicking. I don't think it's nitpicking to be talking about where $6, $7, $8, $9 million annually is going to be coming from. How many square feet do you really have. Is this a building that will really meet the requirements or is it just simply a complex which now gives a certain group control. Yes, I admit it would bring this wonderful collection, one of the world's foremost collections, into certainly a better light than where it is housed at the present time. What about the alternatives of having explored a meaning relationship for both groups: The American Indian Museum and the Museum of Natural History. It seems to me the group that hasn't been spoken for yet are the people who will be visiting the museum. At what location would the greater exposure be. Would it really be at the Custom House or would it be in conjunction with a well established—and for good reason—world-leasing institution like the Museum of Natural History. Would the Museum of the American Indian prosper as a result of that relationship. Maybe not to the individual Board members, or Directors, or Presidents. But how about the people who will have the opportunity to view it? Where will it really be enhanced.

Let me commend the Chief of Staff of the Mayor's office for what I think is a very poignant presentation. Particularly recognizing the politics of the day, with our great media ready to come pouncing down and characterizing anyone who raises legitimate questions as being an obstructionist.

We commend my friend, Marty Barell, for his well-balanced speech. We thank the Chancellor once again for the thoughtfulness and care. We want it. We are willing to support it. We will work

these considerations out. Mr. Foley did likewise, and Stanley Michels, who I think touched many concerns I had. Thank you, Councilman. Let me say my statements were intended in good humor and not in any way to detract from your sincerity. Your presentation in terms of talking about the great culture we all share, and particularly with our constituents, as you said.

Senator MOYNIHAN. No one could impart otherwise.

Sir.

Representative WEISS. I will only have one question for Ms. Coffey. Let me also add my word of welcome to this distinguished panel, and especially my two former colleagues on the Council of the city of New York. It is a pleasure to be with them again. Ms. Coffey, good to see you in a congressional conference once again. The question I have; you have indicated that you have been attempting to explore some other facility for the Museum of the American Indian. As you may know, there was, about 2½, 3 years ago, a competition for the utilization of the Custom House after Senator Moynihan led the efforts to save the building itself and had it turned over to great public use. Originally, the Holocaust Museum had won that competition and was going to be there, and they decided they had another space that would be preferable. The second group which more or less made a commitment was an art consortium. A very important but not very large art groups, which are so responsible for so many of the vitality of the arts within our community. They still need space; office space, headquarters space, working space, and so on. I wondered if you could explore the possibility of finding space for them, because they really need the city's assistance. Whether it's the Custom House or any place else. Can you comment on that?

Ms. COFFEY. We will be delighted to do that. I would say that probably is the most serious problem that affect arts groups in the city today, particularly the performing arts groups. There's a lack of affordable space for many of these groups, dance companies in particular. Because of New York City's booming economy and the rise in real estate value, they are getting squeezed out. But we are having the Department of Cultural Affairs sit down with the New York Cultural Arts. It may be that they have begun talks with our people already. I'm not sure. But I will be happy to do that.

Representative WEISS. We will have a witness from that group testifying on the next panel.

Ms. COFFEY. I will be happy to, sure.

Representative WEISS. Thank you.

Senator MOYNIHAN. To wrap up here. And I guess, perhaps for the first time this morning, I would like to make a very personal statement here. I would like everyone here in this room to hear me, if you will. I direct this to Ms. Coffey's testimony. It happens that I was the first Chairman and for 14 years served as Chairman of the Hirshhorn Museum and Sculpture Garden on the mall in Washington. I don't want to state more than can be generally agreed, but Joe Hirshhorn, who came to this city from Lithuania, as the Heyes came from, and made his money down 10, 15 blocks below here, collected the largest collection of modern art in the world—or one of the most distinctive but largest, I say, because rather like Heye he found boxcars and he bought everything. He

would go into a museum and shows, they will have 12 incredible things on display by a particular artist, and he'd buy everything. It ended up he got the best piece. In any event, it was an extraordinarily good collection. It's a world-class collection. It ought to be in New York City and it is in Washington, on the mall. Now, if you want this collection to be in Washington, on the mall, just give us one more round of this. I don't mean anybody. I'm not given to being difficult. I hope I am not. I was surprised. I started out this morning staying, as a Regent of the Smithsonian, I could tell you that there's a strong move in the Congress to establish a Museum of The American Indian on the mall, with that one site left. That is not far from the Hirshhorn site. I think Dr. Force knows, among others, that half the States of the Union have Indian names. And if you want to put more conditions on its staying in New York, it will be in Washington in a flash.

Ms. COFFEY. May I comment.

Senator MOYNIHAN. Of course you may.

Ms. COFFEY. First of all, I don't want you to have the wrong impression, which I think you may.

Senator MOYNIHAN. I hope not. I read this, quite seriously, as another niggling, bargaining document as against that of an administration that——

Ms. COFFEY. I think not. Senator, I must respectfully disagree.

Senator MOYNIHAN. You don't have to disagree respectfully. Just disagree.

Ms. COFFEY. I'd rather disagree respectfully than not. First of all, the $13 million that I talked about, that was a commitment we made 2 years ago. It was not make lightly, as I said. But I thank you particularly, and Senator D'Amato, who are probably the chief recipients of our pleas for help in Washington with all kinds of Federal programs which we need for the city of New York, would think the city were remiss if we were to say, "Okay, we are going to write blank checks. Here's $13 million, it's yours and you can move into the Custom House, and whatever you need to operate we will provide." We cannot do that. And you, I think, with the way you have to run the government in Washington and the way you have to decide how you are going to enact legislation and who's going to pay for it, I think you would appreciate that we need to know where the money comes from. You know the fact that we provide $7.5 million, for example, to the Museum of Natural History. We have a 100-plus year history with that institution. We have 32 institutions we support. We have the largest cultural budget in the entire country—except for the Federal Government. We are first behind the Federal Government. We have $120 million that we provide to the arts in this city. It's an extraordinary commitment on the part of the administration. And we want to keep this Museum here, but we must do it in a fiscally responsible way, and you must be our partner. We need you to be our partner in this venture. It's very important.

Senator MOYNIHAN. Mr. Barell, Chancellor, what do you think?

Mr. BARELL. Well, firstly, happily for me, the power of the purse does not rest with the word of the Regent of the State of New York. Therefore, all my comments are merely that of a bystander who pays taxes in New York. I think that an effort has to be

made—and I must say generally, because I really don't have the authority to say that this is the only alternative. I will say that as of the moment, based upon what—I guess I must be candid. Based upon what has transpired so far as between the Museum of the American Indian and the Museum of Natural History, whether for better or for worse, whether either of them is at fault or both of them are at fault, the fact remains that despite very serious efforts by a number of very serious people, they have not been able to come to a conclusion. Unless there's a significant change by either or both, it is not realistic to assume that they will come to a viable conclusion in the envisionable future. If we are faced with the prospect of this moving to the—as part of the Smithsonian, I for one, in my capacity as head of the educational system, would be extremely upset, quite apart from my personal interest that I have indicated. And therefore, I think that the time has come for all of us to come together: city, State and private. I am going to urge both the Governor and the Mayor to appoint some sort of commission of private citizens who will undertake to be responsive to the very appropriate conditions and questions that have been raised by this panel, to see what they can do to be responsive to them within the period of time, and that we move forward as best we can with what appears at present to be the only viable alternative.

Senator MOYNIHAN. I just want to add one throught to that. The dispute with the Museum of Natural History first occurred as between Mr. Heye and Francis Bowie. They didn't work it out in 1920.

Thank you all very much. This Committee will have to rise from the bench at 12:30 sharp. Would our third panel come forward. We are very happy to have Carroll Wainwright. We have a very important panel of citizens here. I am going to have to be painfully difficult. It is just that we have scheduled our time and when I stop talking, you might get on with your testimony. Mr. Wainwright, who's Trustee and Counsel of a most magnificent institution where I saw my first whale, I'll tell you, and haven't forgotten it. And very probably they have a new whale there now.

Mr. Wainwright, we welcome you, sir, as a representative and Trustee of one of the most distinguished institutions of this City.

STATEMENT OF CARROLL L. WAINWRIGHT, JR., TRUSTEE AND COUNSEL, AMERICAN MUSEUM OF NATURAL HISTORY

Mr. WAINWRIGHT. Thank you, Senator Moynihan. Senator D'Amato, Congressman Weiss and Judge Brieant.

My name is Carroll L. Wainwright, Jr. I am a Trustee of the American Museum of Natural History and serve as its counsel. I am glad to have been invited to appear at this hearing and to have the opportunity to state the position of the AMNH.

For many years the AMNH has been aware of the plight of its sister institution, the Museum of the American Indian. It has been well known that the MIA is troubled—badly located, inadequate facilities, understaffed and underfinanced.

More than 4 years ago the leadership of the AMNH met with the then leadership of the MAI to develop a plan involving a relocation of the Museum of the American Indian to the site of the AMNH on

Central Park West. The plan involved combining the American Indian collections of the two institutions. These talks almost achieved success, but ultimately feel apart for a number of reasons, the fundamental one being that the MAI believed that it was at risk of being swallowed up by the AMNH.

An alternative to the AMNH proposal appeared to be Mr. Perot's offer to move the MAI to Texas. This required court approval, which the MAI has sought and which New york State and New York City have vigorously resisted. If nothing else, the Perot offer focused public attention on the fact that this cultural gem of an institution was in trouble and might be lost to New York State and to New York City. Today's hearing, dealing with the proposal to turn over the United States Custom House to the MAI is clearly the outcome of public and private efforts to "save the MAI," that is, to save it from Texas.

It has always been clear that, legally, the MAI could not move away from New York unless it had no other reasonable alternative. It is important therefore to determine what alternatives are, or might be, available to the MAI that would permit it to remain in New York. One is the proposed relationship with the AMNH, an alternative the Trustees of the MAI have rejected. Another is relocation to the U.S. Custom House following the enactment of Federal legislation.

On the assumption that all Federal legislation is based on the premise that it is in the public interest, let me state why I believe an agreement between the AMNH and the MAI would far better serve the public interest than a Federally sponsored and supported move to the Custom House.

First, it is necessary to examine the fundamental nature of a museum. It is an institution based primarily on collections of things, be they paintings or objects. But the bringing together of things into collections is not an end in itself. Broader purposes must be served. These include preservation, scholarly research and study, and public education and exhibition. All of this requires a critical mass of human and financial resources. This critical mass has best been achieved by the partnership between private philanthropy and the public sector, as demonstrated by many of New York City's cultural institutions, as you heard Ms. Coffey mention this morning.

A move to the Custom House would undoubtedly solve some of the problems now besetting the MAI. It would provide more exhibition space, and more space properly to store its magnificent collections. With regard to exhibition space, it should be noted that, as with nearly all museums, only a small fraction of the MAI's collection would be on exhibit at the Custom House or at any other location to which it might relocate. What a move to the Custom House would not provide is the institutional strength to go beyond mere storage and exhibition; it would not provide the scientific study and educational components required of a great musuem. These could only be acquired over time and with enormous input of human and finacial resources.

Let us examine the other alternative to a move to the Custom House, that is, a relationship with the American Museum of Natural History.

Without going into detail, what the American Museum has offered the MAI, and continues to offer, is not a merger, not a gobbling up, but the following:

First. An agreement under which the MAI would continue as a separate independent organization, functioning under the existing deed of trust executed by George Gustav Heye;

Second. A transfer of the American Museum of Natural History's American Indian collections to the Museum of the American Indian;

Third. A new building for, and known as, the Museum of the American Indian, on the AMNH Central Park West site; and

Fourth. Financial guarantees running to the MAI from New York State and New York City of $26 million and from the AMNH of over $100 million.

The governance of the MAI has been the most difficult issue to deal with. Obviously the American Museum of Natural History cannot turnover its American Indian collections to the MAI, plus over $100,000,000, without some satisfactory arrangement concerning governance. The last proposal on this subject made by the AMNH, and one that still stands, is a board made up of Trustees selected equally by each institution—not the Mayor as was suggested earlier; selected equally by each institution—a number of "outside" or independent trustees and several City officials, such as the Mayor and the Borough President of Manhattan, serving ex officio, as they currently do on the boards of most major New York City cultural institutions. We believe this approach to governance is eminently fair.

But why is a move to a site at Central Park West more in the public interest than a move to the Custom House?

There is no need to dwell on the obvious financial benefits of having the relocation financed primarily at private instead of public cost. More important is that the location of the MAI at Central Park West, augmented by the AMNH American Indian collections so as almost to double the size of the MAI collections, would result in the world's largest and most important anthropological museum of Western Man. This would be an institution without peer. It would have the financial and scientific support to maintain itself and to allow it to pursue the goals of science, research and preservation. And it would be in a location where over 2,600,000 visitors would come annually to see its exhibits. In short, the MAI would be assured not only of a house in which to exhibit its great collections, but also of the institutional and financial support necessary to accomplish its other purposes.

It is for these reasons that we believe that the public interest and the intent of George Gustav Heye would best be served by the proposal we have made to the MAI. Thank you.

Senator MOYNIHAN. Thank you, Mr. Wainwright. There are few persons who have appeared at this hearing who is in a better position to speak of the public interest.

We now have the greatest interest in hearing from the Executive Director of the American Indian Community House, Ms. Rosemary Richmond. Ms. Richmond, I am going to make the precautionary suggestion, get that microphone.

STATEMENT OF ROSEMARY RICHMOND, EXECUTIVE DIRECTOR, AMERICAN INDIAN COMMUNITY HOUSE

Ms. RICHMOND. Mr. Chairman, Senator D'Amato, Congressman Weiss, Judge Brieant. Before I begin, I would like to say thank you all for the opportunity to present our position on the disposition of the Custom House.

As Native Americans, we are raised to think in terms of the next seven generations. Today we share that responsibility with you. The American Indian Community House represents our future. The Museum of the American Indian represents our past. You now have the opportunity to join the future with the past.

Our interest in sharing the Custom House with the Museum of the American Indian is to create an international center of Native American cultures. There we will return to the ancient Indian trail, now known as Broadway, where archeologists believe that Peter Minuiet purchased the island of Manhattan from Native Americans.

The Native American community in New York represents more than 57 tribal nations from throughout the western hemisphere. As you, we are artists, teachers, students, parents, and children. We are strong and we are weak. We are people who value the experience and wisdom of our elders. We are people whose cultures traditionally integrate the arts with every aspect of our lives. For our children to grow up with dignity, they need their heritage. For our sick to heal themselves, they need a thriving cultural environment. For our artists to expand their vision, they need access to beauty.

The American Indian Community House has long established programs in the visual arts, through the American Indian Community House contemporary art Gallery/Museum, the performing arts through Native Americans in the Arts, arts in education, and public information. In addition, we offer programs such as job training, health care education and alcoholism prevention and other social welfare abuse professionals. These programs have already received federal, state and/or city support.

To help guarantee the programs already initiated, the American Indian Community House is asking Congress to write into any legislation transferring the Custom House to the Museum of the American Indian—a provision requiring 43,000 square feet of space in the Custom House for our use. This would include 3,000 square feet in the northern end of the building accessible through the main museum entrance for our contemporary art gallery. At the southern end—a distance of an entire city block away—would be 40,000 square feet of administrative and program space, which would include our day care facility, public information and other programs. We also request access to the museum's auditorium/theatre for our performing arts and education programs.

We are not suggesting that the Museum or our organization be absorbed into each other. We are advocating a cohabitation that will be mutually beneficial, not only for our two organizations, but for all people. Such a facility would be one of our Nation's greatest resources in trade, tourism, information and the like.

We are cognizant that transferral of the Custom House to the Museum of the American Indian and the American Indian Commu-

nity House will require a massive joint capital campaign for renovations and general operating support. We propose sharing the cost and income from such a campaign on a percentage basis determined by space allocation.

We realize that equitable agreements will have to be negotiated between our two organizations with regard to income from our contemporary art gallery and a shared craft shop.

We look forward to creating joint programs in areas such as arts and crafts demonstrations, performing arts and public information. Hopefully, we would also combine strengths in creating both permanent and temporary exhibits.

We would, of course, keep separate those programs which are unique to each organization. For example, we would keep our job training component as a separate program but we would hope that many of our young people would find placements in the museum as well as in the surrounding financial district.

A suggestion has been made that we negotiate for this space after the museum has already acquired the entire building, allowing our respective boards of directors to work out the details.

While the American Indian Community House does not doubt the good intentions of the present museum board of directors, the proposed congressional act of transfer will outlive the present generation. We seek to protect future generations of urban Native Americans who, without the power of Federal law to support their right to space in the Custom House, could be affected by the action of any future museum board.

We call your attention to the fact that in 1981, there were seven Indian members on the museum board. Today in 1987 there are only four. We would not be acting responsibly if we did not assume that it was possible for a future museum board to have no American Indian representation.

We believe our request for the protection of the law is reasonable and prudent.

We especially hope that Congress responds not just to the art and artifacts of past generations of Native Americans, as represented by the museum collection, but to the present and future generations of Native Americans who seek active and open interaction with all the peoples who now share this hemisphere with us. Thank you.

Senator MOYNIHAN. Ms. Richmond, I have frequently heard testimony that was persuasive and thoughtful, but never as tastefully presented. That was actually lovely. We thank you. Mr. Abrams is, I believe, a member of the Seneca Nation of Indians. And you, Ms. Richmond, are a member of the Mohawk tribe, of which is the Iroquois.

Ms. RICHMOND. Senator Moynihan, Mr. Abrams is of the Seneca Tribe/Nation and I am of the Mohawk Tribe/Nation both of which are part of the Iroquois Confederacy of Six Nations of the Iroquois.

Senator MOYNIHAN. Thank you, Ms. Richmond for the clarification.

Mr. Gilbert Tauber, who's Chairman of the Committee of Cultural Facilities. I believe Mr. Weiss mentioned you. We welcome you.

STATEMENT OF GILBERT TAUBER, CHAIRMAN, COMMITTEE ON CULTURAL FACILITIES

Mr. TAUBER. Thank you. I want to thank you for the opportunity to speak here this morning, and I will try to heed your advice on the persuasiveness of brevity.

I am an urban planner by profession. I am here today in my voluntary capacity as Chairman of the Committee on Cultural Facilities, which is a group that was formed to try to help the small nonprofit arts organizations. As Diane Coffey said, these small arts groups are being squeezed out of the real estate market in New York. In October of 1985, our committee was one of the two organizations that responded to the GSA request for proposals for leasing 55,000 square feet in the lower floors of the Custom House. The consortium proposed to spend $7.8 million to create a complex of performing and visual arts facilities in the building. Part of that $7.8 million includes money necessary to restore the rotunda and the Commissioner's office. That proposal and that cost estimate were prepared for us by the architectural firm of Beyer Blinder Belle, which you may be familiar with. In addition to that outlay, the consortum would pay the Government's operating costs for the space plus a cash rent over and above that. The proposal called for the visual arts to be principally on the second floor of the Custom House, the main one being the Ocean Liner Museum. It would occupy 8,000 square feet, roughly, in and adjacent to the Rotunda, which is known for those murals depicting the arrival of an ocean liner in New York Harbor.

I might add that the first time I was ever in the Custom House, I believe that Reginald Marsh's assistants were still working on those murals. I remember my father taking me there on the way back from a trip to the Aquarium.

That's the second floor. The ground floor and the basement would be mainly for the performing arts, with two theatres, 150-seat dance space and 175-seat cinema. This proposed use was intended not only to respond to the needs of our constituents, the arts groups, but also the GSA requirements. That is the requirements of the agency and of the Bankruptcy Court, in their simultaneous use of the building; to the landmark character of the building itself; and also to the needs of the Lower Manhattan Community as they were expressed to us in numerous contacts with the Community Board and other organizations. It seemed very clear that they were not very happy about the idea of another major tourist attraction in Lower Manhattan because of the existing load of traffic congestion in the area. Their explicit preference was for a performing-arts facilities which would operate primarily in the evening. This will not only provide cultural activities for people living in Lower Manhattan—who are now approaching 100,000 with the completion of Battery Park City. In addition, the arts complex would stimulate evening pedestrian traffic; encourage restaurants and retail stores to extend their hours; and generally make the area livelier after dark, which is a concern not only of the people living in the area but also companies in the area that have people working there late, and sometimes around the clock.

The Consortium proposal to the GSA was overwhelmingly endorsed not only by the Lower Manhattan Community Board, but also by the United States Congressmen representing Lower Manhattan, Ted Weiss and Bill Green. Mr. Weiss, thank you again. As well, it was endorsed by the chairmen or heads of the National Endowment for the Arts, the New York State Council on the Arts, and the New York City Department of Cultural Affairs. I recognize that the situation has changed since these endorsements were given in good faith, but I want to point out it was thought to be a very good and workable proposal by some people in a position to judge it objectively. Other endorsers, by the way, include Manhattan Borough President David Dinkins, the Municipal Art Society, State Senator Manfred Ohrenstein and Councilmember Miriam Friedlander.

The proposal I have described was submitted in a formal competitive bidding procedure which was suspended in December of 1985. I might add that at least one other proposal was submitted in response to that competitive bidding procedure, but no proposal was submitted by the Museum of the American Indian.

But the Consortium's proposal seeks to fill certain needs and those needs haven't diminished in the last 14 months. There is still a dearth of cultural facilities in Lower Manhattan. The streets around the Custom House are still lonely after 8:00. The space problems of the nonprofit groups have gone from bad to wretched.

As an example, I discussed this with two agencies this week, of the 80 members of the Alliance of Resident Theatres, with is the association of off-Broadway theatres, 33 urgently need new spaces; 11 have been or are being evicted; one has moved out of New York; and two have gone out of existence. And the situation with the dance companies is even worse. Among the prominent companies that are now homeless is the Twyla Tharp Dance Company, and there are a number of others that were reported to me by the State Council for the Arts.

This is not to say the Museum of the American Indian does not also have a legitimate need for new space. It does. But I feel that the Custom House is hardly its only option, and is certainly not its best option. It is, in fact, a poor location for a major museum. The MAI has projected attendance of a million visitors a year. But parking in the area—what little there is of it—has already saturated by visitors to the Statue of Liberty and South Street Seaport. In addition, the completion of Battery Park City and the projected Westway replacement roadway is going to eliminate the existing tour-bus layover area along West Street, which extends from West and continues up to Chambers.

Other large museums in Manhattan have their own parking facilities. There is no room to create such a facility at the Custom House. The MAI will thus be handicapped in attracting school bus groups and suburban family visitors, and these are the bread and butter of year-round museum attendance.

The MAI would be far better off next to the Museum of Natural History, which has a parking facility. You notice I am not getting into other institutional issues here. I am just talking about the way the museum functions.

If the MAI can't resolve its differences with the Natural History Museum, there are other large potential sites, one is the Empire stores at the Empire-Fulton State Park in Brookly, directly opposite South Street Seaport, and being connected with it by ferry. And also at the former New York State Pavilion in Fushing Meadow Park in Queens. Both these sites are publicly owned; visually prominent; close to existing major visitor attractions; have good highway and mass-transit access; and ample parking. Neither one would require an Act of Congress.

I wrote to Dr. Force about the Fulton Landing site in September 1985. More recently, I understand that he was sent information about the Queens site by the Corona-Flushing Meadow Development Corporation. I have seen nothing to indicate, and heard nothing here to indicate, that the Museum have given serious consideration of either of these sites or even publicly acknowledge their existence.

Thank you.

Senator MOYNIHAN. We thank you, Mr. Tauber.

Our time is running out and I do regret this. I ask my colleagues if they have queries.

Senator D'AMATO. Mr. Chairman, I do have an obligation to question. I would like to put to Mr. Wainwright; let me state we are grateful for your leadership as it relates to the utilization of the Custom House. Going back to the issue of legislation making possible the dollars to keep the Custom House from just disintegrating; of the restoration that has taken place. Restoration in no small part—as a matter of fact, to a large extent, as a result of you. We are indeed indebted to you. I think it may open up some areas of contention. I think there is one thing that comes through quite clearly, that there is an honest, legitimate concern on the part of everyone representing all groups to hopefully see that the Indian Museum stays in New York, where it should be. That's No. 1.

I like to ask Mr. Wainwright, in your attempts to discuss the possibility of the American Indian Museum utilizing some of the facilities and the strengths that come from the Museum of Natural History, when was the last meeting, and have you made any inquiries with respect to further pursuing that goal of taking these two great strengths and putting them together; these two great collections and attempting to find a way of operating?

Mr. WAINWRIGHT. Well, Senator D'Amato, in the course of the legal proceedings that have been going on before Justice Stecher, the question has frequently come up: Is the offer of the American Museum still open, we have been asked by the Mayor's office, by the Attorney General, and we have responded "Yes," each time. And in my statement I have outlined the sum and substance of that offer. It has been suggested that maybe meetings with the Museum of the American Indian would be fruitful. We have held ourselves open to such meetings, but the leadership of the Museum of the American Indian has not wished to talk further with us.

Senator D'AMATO. Mr. Chairman, I am going to at this time again thank you for inviting me. I make this observation. It would probably be the subject of all kinds of statements as to the easiest thing for this Senator to do would be say, "Why not. Go ahead and let them have it. After all, Congress has given away hundreds of

millions, misspent lots of money. What's the difference here. And, you know, we get some kind of return on it. Why should we be concerned about it?" I am concerned about whether or not the building lends itself as the best place; whether or not we are going to be doing justice to the collection and to the citizenry; or whether or not this is more of an opportunity to assert a rather small group itself and its claim to utilize this facility. And really, we are getting a lot less than we should be. I am wondering what the Museum of the American Indian would say if there was no possibility of using this site. Would they then just say, "We can't use 200,000 square feet. We only have 15,000 now. 200,000 somehow is totally inadequate." I find that really preposterous for people just to come forth and say, we are totally cramped. We are just bursting. Under reasonable circumstances, to take 225,000 to 250,000 feet, oh, no, we cannot do that. That's ludicrous. You hurt us. You demean us. You place us with dinosaurs. I mean, really. And to visit where the present location is and then say that the Museum of Natural History's offer should be dealt with just with the back of the hand. What would the American Indian Museum do if there were no Custom House. The answer is: Now, we are going to look at another place. Are we going to look for another angel, Ross Perot to come forward. Are we going to look to Washington. Is this a spite game? We either have that or we are telling you now, we are not going to negotiate in good faith. And in essence, you give us that place or otherwise, we are looking to pull up roots and we are going to make conditions such that we say we have no other possible alternatives. I have been following this very closely for a period of time—that may be one of the situations that exists. I met some of the Trustees and some of the people who support this, and they love that museum. They honestly do believe this is the proper place and the only place, but I have to question whether or not, in response to legitimate inquiries with respect to financial data, with respect to attempting to work out some of the differences between the two great organizations—certainly the Museum of Natural History is one of the world's greatest institutions—how someone could say, We don't want to utilize that strength. The institutional strength that you testified to so adequately, Mr. Wainwright. To just put that aside and characterize it as, we not wanting to have our history mingled with a group of dinosaurs. I will come back to that, because I find that absolutely an overstatement that may be characteristic of one of Senator D'Amato's statements but certainly not someone of such learning as Dr. Force.

Thank you, Mr. Chairman.

Senator MOYNIHAN. Thank you, sir. Mr. Weiss.

Representative WEISS. Thank you. I simply want to express my appreciation to the witnesses' testimony and to express my appreciation to you for your courtesy in inviting me to attend these meetings and for your leadership. I think we have learned a great deal today and a great deal more perhaps has to be learned. I think at least we will be working with a better base of fact and factual knowledge than we have before these hearings.

Senator MOYNIHAN. Thank you.

Your Honor, if you like.

Judge BRIEANT. While we are exchanging thanks, I think it's now clear on the record before this Subcommittee and those participants there's an immediate need to move into the almost completed bankruptcy court facility in that building. Our entry has been delayed partly by this pending controversy. In the proposed bill on which this hearing has been conducted calls for relocation in 1991. It seems clear to everybody we absolutely need this new courthouse in Foley Square. We need it desperately, regardless of what is done to the Custom House. And I am convinced, for one, that the Federal Government has the capacity to complete that courthouse by December 31, 1991, which is the date that is mentioned in the proposed legislation. And I think I should stop there.

Senator MOYNIHAN. I think we should start there. I think we should start there.

I have a holograph letter, as they say, from Terence Golden, the Administrator of GSA which I will simply read one sentence. "I also recognize that New York needs a new court building." We have tried to represent all of the views today. We haven't been able to hear everybody. If there are any other written submissions, they will be included.

We thank you all. This is a large and wonderful issue to engage the capacities of the New Yorkers for reconciliation and creativity. Thank you all.

[Whereupon the hearing was adjourned.]

[Statements submitted for the record follow:]

WRITTEN STATEMENT BY STEVEN FLANDERS

CIRCUIT EXECUTIVE, SECOND JUDICIAL CIRCUIT OF THE UNITED STATES

HEARING FEBRUARY 12, 1987, NEW YORK, NEW YORK

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,

UNITED STATES SENATE

Good morning. I am Steven Flanders, Circuit Executive for the Second Circuit, which includes the states of New York, Connecticut, and Vermont. Very broadly speaking, I occupy a position equivalent to regional administrator. I appear at the suggestion of Chief Judge Charles L. Brieant of the Southern District of New York when contacted by this committee. As staff to the Judicial Council, I shall try to speak on behalf of the federal courts of this circuit generally.

Second Circuit Chief Judge Wilfred Feinberg, in his most recent speech on the state of the circuit, emphasized the needs of the United States Bankruptcy Court for the Southern District of New York, which has relied since 1979 on plans to occupy space in the United States Custom House at Bowling Green, the subject of this hearing. This important bankruptcy court, which handles some of the most significant litigation in the United States, occupies facilities across the street that are hopelessly inadequate. Not only is the efficiency of the court affected, but I believe that the working conditions for many employees are so bad that they would not be tolerated if we were a private employer. The occupancy date for essential facilities

at the Custom House has been repeatedly moved back; I remember estimates that occupancy could be had as early as 1982.

All of us in the federal courts are pleased at the effort reflected in this hearing to accommodate the urgent and long-standing needs of the bankruptcy court to the new concern to use the magnificent structure at Bowling Green to house the collection of the Museum of the American Indian. Indeed, we have always taken the position that the remarkable public spaces on the main floor constitute a unique resource for display purposes, and we have welcomed the repeated expressions of interest by private groups for public use of this space.

Now that work is nearly complete to provide courtrooms and related facilities on the 6th and nearby floors, the federal courts do have concerns we wish to place before this Committee in connection with proposed legislation to turn over the building to the Museum of the American Indian. These include:

1. The termination date for our right of occupancy. Anticipating a move into the upper floors in May of this year, the proposed date of December 31, 1991 would give us somewhat less than five years of occupancy. As I understand the thinking of this Committee, at the end of that time new facilities for the bankruptcy court will have been constructed in a major annex or addition to the existing United States Courthouse across the street from here, at Foley Square, which will include essential space for the Court of Appeals and District Court as well. Living as I have done with repeated delays on the Custom House

project, I am fearful on behalf of the bankruptcy court and the public it serves. It seems essential that this right of occupancy extend until actual completion of new facilities in our proposed annex.

2. The capacity of the Museum to maintain so huge and expensive a building. It is our understanding that financial problems of the Museum of the American Indian are one reason for undertaking in the first place legislation for the government to provide them with new facilities. We wonder if the Museum can adequately serve the needs either of the building, or of the bankruptcy court as "tenants" during the period of our occupancy.

3. Terms and conditions of occupancy. We wonder further about the details of our occupancy during our years in the Custom House under this proposed legislation, however temporary this may be. Operating a United States Courthouse, which this will be in part, is no simple matter. The Southern District Bankruptcy Court must frequently hold hearings and conferences of immense significance, sometimes involving large numbers of people who travel from places all over the country or abroad. Sometimes major hearings must be held on an unpredictable schedule, and under conditions requiring substantial security. Can we have the indispensible access to the building 24 hours a day and 7 days a week we require, that is ordinarily available to us in all other federal court facilities in the circuit, including many that are of much less importance than this one will be?

In light of these concerns, we wonder if this Committee should provide in the proposed legislation for full ownership and control of the building by the Administrator of General Services throughout the period of occupancy of a portion of the building by the Bankruptcy Court. The work of this court is of enormous public importance, as the attachment indicates. To give only a few examples, I appear here this morning in part because Chief Bankruptcy Judge Burton R. Lifland has a long-scheduled hearing on the financing of LTV Corporation, a multi-billion dollar bankruptcy proceeding before him in this district despite the fact that LTV maintains its headquarters in Texas. The LTV matter is little more than typical of major matters before our bankruptcy court in Manhattan, which include many of the largest bankruptcy proceedings in history, involving companies with worldwide interests, in addition to the numerous individual bankruptcies and bankruptcies of smaller corporations that vitally affect so many citizens of this metropolis and region.

As it happens, the last time I saw so distinguished an assemblage of members of Congress in New York was on the front steps of the Foley Square Courthouse across the street a few months ago. In connection once again with the LTV matter, there was an enormous demonstration of concerned citizens, most of them steel workers who feared the effects of the bankruptcy on their health insurance and pension coverage. Among the speakers were several Congressmen, from Ohio and from several other states in which LTV is a major employer.

To mention only a couple of other examples, the recent McLean bankruptcy is also a multi-billion dollar matter, and affects one-third of the United States merchant fleet (through United States Lines, a subsidiary). The Johns-Manville bankruptcy involves liabilities as high as $85 billion. And there are dozens more.

Thank you for your effort and attention this morning. Please allow me to reiterate that the federal courts welcome the effort of this Committee to provide for public use of the magnificent spaces of the Custom House, as we have always welcomed and sought such use. But we think it essential that this be done on a basis that accommodates the long-standing plans of the United States Bankruptcy Court for the Southern District of New York, plans on which the federal courts in this circuit have relied for many years. We suggest that it would be best for the Administrator of General Services to retain control over the United States Custom House until permanent facilities for the bankruptcy court are actually available. We are pleased for the Museum to occupy the balance of the building during that time.

Selected Pending Cases in the U.S. Bankruptcy Court for the Southern District of New York*

Debtor	Assets	Liabilities	Creditors
Johns-Manville	$ 2.2 billion	$ 85 billion	100,000
Lombard Wall	2 billion	2 billion	125
Saxon Industries	503 million	461 million	2,000
CPM Leasing	446 million	504 million	
Revere Copper & Brass	402 million	237 million	9,200
Baker Industries	400 million	259 million	750
Salant Corp. a/k/a Thomson Co., Inc.	264 million	210 million	2,514
Hellenic/ Transpacific	247 million	244 million	801
ERT Industries a/k/a Zody's Discount Dept. Store	234 million	184 million	4,000
Lionel Corp.	207 million	165 million	851
KDT Industries	184 million	167 million	5,022
CEA Combustion	179 million	175 million	
Branch Industries	95 million	104 million	12,861
CB&R Holding	89 million	86 million	1,647
Lion Capital	80 million	100 million	900
Crompton Company	74 million	43 million	729
Edmons Industries	67 million	55 million	
Deak & Co.	62 million	60 million	4,000
Tacoma Boat	58 million	200 million	1,260
Oralid Corp.	55 million	23 million	3,623
Seatrain Lines	8.8 million	144 million	3,491
Sheldon Friedlich	3 million	14 million	150,000
Justin Colins	57 million	25 million	17
Waterman SS Corp.	228 million	242 million	420
Hughes & Hatcher	31 million	10 million	14,202

* This list is accurate as of early 1986, and does not include later-filed cases such as that involving LTV.

AICH

(212) 598-0100

AMERICAN INDIAN COMMUNITY HOUSE, INC.

842 BROADWAY • NEW YORK, N.Y. 10003

Additional Testimony Presented By

Rosemary Richmond

Executive Director
American Indian Community House

February 19, 1987

at

the SUB-COMMITTEE ON WATER RESOURCES,
TRANSPORTATION AND INFRASTRUCTURE OF THE SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ADDITIONAL STATEMENTS SUBMITTED
BY THE AMERICAN INDIAN COMMUNITY
FEBRUAURY 19, 1987

We appreciated the opportunity to have our executive director testify on February 12, and we are grateful to have this additional occasion to emphasize our major concerns based on our perceptions of the February 12 proceedings.

We have requested that Congress assure us of 43,000 square feet in the Custom House to carry out our programs. Briefly outlined, we would ask Congress to come to its decision with the following in mind:

1. The Museum "of the American Indian" is NOT Indian-run, yet is perceived by the public as an Indian cause.

2. Does the museum belong to the public? When a museum requests vast amounts of taxpayers' money, it cannot remain aloof from the public agenda and pretend it is still a private foundation -- we believe that the public agenda should include the present generation of Native Americans

3. Negotiations with the museum for a shared presence in the Custom House is not simply recent and dates back to 1981.

4. The American Indian Community House has never been simply a social services organization, and includes three components which are imminently logical partners of the museum collection and its library:

a) a Gallery/Museum (presently in Soho)
b) a performing arts group, "Native Americans in the Arts"
c) a public information office which deals weekly with such media as the New York Times

5. Because of the holistic and integrated nature of Indian cultures, past and present, the sharing of a megabuilding by a museum and a community organization -- the focus in one place of the arts and all other life endeavors -- is logical and in fact is compatible with the museum's grand and sweeping mandate stated by director Roland W. Force in 1981:

"to collect, preserve, study, and exhibit all things connected with the aboriginal peoples of North, Central, and South America"

6. A joint fund-raising campaign, beginning with a Congressional gift of the Custom House to both the museum and the American Indian Community House, would benefit both organizations. However, if both organizations resorted to separate fund-raising, we fear that the competition would seriously jeopardize our continued survival.

CHRONOLOGY OF AICH COOPERATION WITH MAI

Cooperation between the museum and the present generation of Native Americans, especially those living in New York City, precedes the era of the present museum administration and dates back to the year of AICH's founding.

1969: As the urban Indians finished organizing "the American Indian Community House" (founded that year), its leaders met in February with the then-director of the Museum of the American Indian at the Department of Cultural Affairs' offices at The Arsenal. Initial plans were made for a performing and visual arts festival. Cooperation between the two organizations continued, as both struggle for economic survival during the early 1970s.

1978 and 1979: AICH worked closely with the museum in planning and executing its first and second exhibits at the Custom House in 1978 and in 1979, hoping for closer cooperation. For example:

1978: the Museum of the American Indian staff, having gone through a major restructuring between 1975 and 1977, met on January 10, 1978 to discuss plans for the first exhibit at the Custom House. The official museum minutes of that meeting indicate that AICH had <u>already</u> agreed to cooperate:

> Mr. Bush [the AICH executive director at that time] has offered to provide assistance in securing Indian performers and craftsmen for the exhibit and to generallly aid the Museum in improving its image both among Indians and non-Indians.

1978: On March 22, 1978, Rosemary Richmond represented AICH at another meeting to plan the museum's first exhibit at the Custom House. The official museum minutes of this meeting indicate the continuing efforts at cooperation:

> Ms. Richmond said the Community House would assist in contacting individuals and organizations involved in Indian affairs....
>
> Dr. Force asked Ms. Richmond whether the Community House could help secure performers and craftsmen for special activities at the exhibit.... Dr. Force asked whether the Community House could help these performers to work out accommodations and other arrangements for their stays in New York, while offering a warm reception.
>
> Dr. Force also inquired about the possibility that the Community House could help the Museum arrange for a group fo native American guides to provide information to visitors at the exhibit. Ms. Richmond replied that this might be worked out through the CETA program.

1978: On March 29, Michael Bush [at that time AICH executive director] attended another meeting with museum staff on the Custom House exhibit. The official museum minutes of that meeting note:

> Regarding manpower needs, Dr. Force asked Mr. Bush to explain how the Museum might arrange for Indian youths to work as guides at the exhibit, and whether any mature people might be available thru the CETA program to help fill carpentry and other needs. Mr. Bush said that he knew of two with carpentry experience.... Dr. Force stated the Museum's need for reliable, self-reliant, and outgoing [Indian] youngsters, with a favorable attitude toward the Museum, to serve as guides at the exhibit.... It was decided that the Museum request [from AICH] about six young people to serve as guides and perhaps 1 each for the Annex and the Library to aid in maintenance, etc., through the Community House.

With that beginning, AICH staff and community members assisted the museum in both its 1978 and 1979 exhibits at the Custom House.

1981: With the cooperation of AICH, the museum recruited as an intern Elizabeth Stops, an AICH community member, whose salary was paid by CETA funding raised by AICH.

1981: With the cooperation of AICH, the museum recruited an AICH board member, Nadema Agard, to serve as an educator and the coordinator of the visiting artists' program. (Agard is still at the museum.)

1981 and 1982: The museum sponsored a lecture series by one of its professional staff at the AICH gallery in Soho. Cooperation in running a film series also continued.

By 1981, AICH and MAI were discussing the possibility of AICH sharing a contemporary art gallery with the museum at the Custom House (in what was then a museum request for no more than 150,000 square feet of the Custom House). These discussions included the possibility that in exchange for space AICH would consider supporting the museum's request in Congress.

When the museum began to look towards Texas for support from H. Ross Perot, the possibility of the museum's move to Texas forced AICH to look elsewhere if it was to share space at the Custom House. In 1985, it began working with an arts consortium under Gil Tauber to share Custom House space, including a gallery space for AICH and access to a theater planned for the public spaces of the Custom House.

February 3, 1986: at Columbia University, AICH and MAI directors again discuss sharing the Custom House in exchange for Indian support. As in the past, the museum refuses to make a commitment. The issue remains open during the summer of 1986.

THE MUSEUM "OF THE AMERICAN INDIAN" IS NOT INDIAN-RUN

Incredibly, at the February 12 testimony a major supporter of the museum's occupation of the Custom House, Councilwoman Miriam Friedlander, indicated her belief that the museum was run by Native Americans. She made an impassioned plea that "the Native Americans deserve" the Custom House in its entirety, not sharing it with a federal court: "Native American people should not be considered as subtenants." These misperceptions demonstrate how the public misperceives the museum which is in fact run by:

a non-Indian director whose specialty is the South Pacific

a board of seventeen directors, only four of whom are Indian

a curatorial staff (in charge of the collection) which is entirely non-Indian

a total of only three Indian employees and one Indian intern in the entire staff

The museum's title implies a claim to represent American Indians. (One wonders what the public's response would be to the "Heye Foundation Museum.") The museum benefits financially from the public identification with the museum as an "Indian" cause. Under these circumstances, if Congress places its endorsement and public funding behind the museum, Congress should also insure that its largess directly benefit the living Native Americans of New York City.

WHOSE MUSEUM IS IT?

As long as the Museum of the American Indian remained primarily a private foundation, there was little that Native Americans could do to appeal to the museum's non-Indian leadership to involve more Native Americans, and to be more sensitive to Native American history and culture.

But now this private non-Indian foundation is asking for a gift from the taxpayers of the United States amounting to a $200 million building, the U.S. Custom House at Bowling Green in New York City.

Given this request for a massive public gift, the public has the right to ask what purposes this very expensive gift will be put. If the public feels that living Native Americans deserve to have a presence at the Custom House, the museum must respond -- or go back to being a private foundation without the benefit of two hundred million taxpayer dollars -- taxpayer dollars which, we wish to stress, include those of the staff of AICH and all wage-earning urban New York Indians.

SPACE AT THE CUSTOM HOUSE

Our request of 43,000 square feet does not infringe upon the space requirements of the museum, according to the museum's own figures. When Ross Perot proposed a building in Texas, it included 400,000 square feet. The museum's own estimate of the Custom House is between 457,000 and 460,000 square feet. Thus even with an Indian presence at the Custom House, the museum would have at least 14,000 square feet more than it would have had in Texas.

BUGS AND BONES AT THE AMERICAN MUSEUM: NOT THE WHOLE STORY

The contention by the MAI administration that Native Americans object to the collection being housed with the American Museum of Natural History because that museum is "bugs" and "dinosaur bones" is disingenous at the very least.

AT THE AMERICAN MUSEUM, 1986: LOST AND FOUND TRADITIONS, A NATIVE AMERICAN ART EXHIBIT

In 1986, traditional Onondaga leaders Leon Shenandoah, Oren Lyons, and Irving Powless, Jr., opened the American Museum's exhibit "Lost and Found Traditions" with prayers, greetings, and songs.

Furthermore, the American Indian Community House co-hosted the dinner reception which followed that museum opening.

Throughout the planning stages of this opening, our staff also cooperated with guest curator Ralph T. Coe; the American Federation of Arts; and Ginny Fitzgerald who represented the exhibit's primary sponsor, American Can.

NATIVE AMERICAN ENVIRONMENTAL TRADITIONS

Native American cultures and religions vary in many specific details, but virtually all share philosophical and religious perspectives of the environment which incorporate all aspects of the surrounding world -- including bugs. It would not be an exageration to state that Native American religions are "environmental religions." If the American Museum could integrate its fine established programs and exhibits with Native American arts using Native American perspectives, the inclusion of the Museum of the American Indian at the American Museum would in fact make the museum more representative of Native American realities.

WHAT ARE THE STAKES?

The American Indian Community House, serving 14,000 urban Native Americans, must move from its present inadequate quarters and has been searching for a suitable location for years. AICH has unsuccessfully offered on numerous occasions to work with the Museum of the American Indian, which until recently seemed far more interested in moving to Texas.

Now the public is asked to fund the museum with a two hundred million dollar building which will then require at least a thirty million dollar fund-raising campaign.

If the Museum of the American Indian was able to maintain its vast collection of Indian art and artifacts as a private foundation, its control of its collection would be its own business.

But now Native Americans are asking Congress and the American public:

> to include a provision in the property transfer of the Custom House that allots 43,000 square feet to the urban Indian center of New York City to help Native Americans transform the Custom House into a true Native American Center
>
> to remember that without significant Native American input, the Museum of the American Indian will remain a museum whose name is a misnomer

The New York Times

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Indians: Past, Present and Future

It's not hard to understand why officials of the Museum of the American Indian are annoyed with Rosemary Richmond. Just as they are about to consummate delicate negotiations to acquire the old United States Custom House for the museum, she demands space in it for her American Indian Community House.

The demand may be embarrassing to those who thought they were serving the Indian heritage by fighting for the exquisite Custom House building. But Ms. Richmond is worth heeding.

The Community House is the primary social service agency for New York City's 14,000 native Americans. Ms. Richmond wrote recently to Representative Morris Udall of Arizona, the House sponsor of legislation to approve the Custom House transfer. She argued that if the Federal Government was prepared to give a valuable building to an organization that isn't even Indian-controlled for the display of Indian artifacts, it ought to reserve space for her agency's job training, housing and other programs.

Indian museum officials reacted with annoyance. Their magnificent collection of more than a million artifacts is divided among three inadequate locations. Less than 10 percent can be displayed in the main facility in Harlem. They have been searching a dozen years for new quarters. The plan to acquire the Custom House has been in the works two years, and its fragility was reflected in the speed with which Roland Force, the museum director, has agreed to a demand by Senator Moynihan to maintain the Harlem facility as a satellite.

The plan previously won the cooperation of Barber Conable, the World Bank president and a member of the museum's board; H. Ross Perot, the Texas billionaire; David Rockefeller, and, not least, President Reagan. That's heavy clout, the kind that Ms. Richmond and the American Indian Community House can only dream about.

More than obtaining space in the Custom House, she hoped to call attention to the needs of living American Indians. Unemployment among them in the city is more than 40 percent, she said, and there isn't even an arrangement for worthy candidates to be employed at the Museum of the American Indian. While the Federal Government prepares to give away a $200 million building to the museum, it has cut her agency's support to about $1.3 million, half the level of a decade ago.

The Museum of the American Indian belongs in the Custom House — all of it. But those who have shown such interest in the Indian past can do the same for the Indian present and future by helping give the Community House a proper home and ample support.

The Editorial Notebook

February 12, 1997

TESTIMONY OF GILBERT TAUBER
CHAIRMAN, COMMITTEE ON CULTURAL FACILITIES
c/o CCF, 625 Broadway--8th fl., New York, N.Y. 10012
212-663-4875

My name is Gilbert Tauber. I am an urban planner by profession, and I am chairman of the Committee on Space for the Arts of the New York Chapter of the American Planning Association.

I am also a charter member of the New York State Preservation League and a number of other historic preservation organizations. My particular interest in the Custom House goes back nearly 30 years when, as a volunteer guide for the Museum of the City of New York, I conducted architectural walking tours through the building.

My testimony today is in my capacity as Chairman of the Committee on Cultural Facilities. The Committee was formed to help find space for nonprofit arts groups, which have been severely affected by rising real estate costs and the continuing demolition of buildings suitable for arts uses.

In October 1985 the General Services Administration solicited bids from nonprofit cultural organizations for the leasing of approximately 55,000 square feet of space in the lower floors of the Custom House. Our Committee submitted a response to that proposal on behalf of a consortium of eight existing not-for-profit arts organizations.

[The participating groups were the Alliance of Resident Theatres of New York (ART/NY), the Center for Arts Information, the Cultural Council Foundation, Dance Theatre Workshop, Franklin Furnace Archives, Mabou Mines, the Ocean Liner Museum, and the Theatre Development Fund. Four of these organizations are umbrella groups serving various sectors of the nonprofit arts community.]

The consortium proposed to spend $7.8 million to create a complex of performing and visual arts facilities.

Part of the $7.8 million would be to complete the restoration of the landmark interior. In addition, as required by the GSA's bid terms, the Consortium would pay the Government's operating costs for the space, plus cash rent over and above that.

The proposal called for the second floor, which has the most important landmark interior spaces, to be used mainly for the visual arts. The Ocean Liner Museum would occupy 8,000 square feet in and adjacent to the Rotunda, which is known for its Reginald Marsh murals depicting the arrival of an ocean liner in New York harbor. The ground floor and basement would be mainly for performing arts, with two theatres (of 350 seats and 150 seats); a 150-seat dance performance space; a 100-seat recital room; and a 175-seat cinema.

[Among the organizations interested in making use of certain facilities, in addition to Consortium members and their constituents, were the Museum of Modern Art, The Cooper-Hewitt Museum, and the American Indian Community House.]

The proposed mix of uses is designed to respond not only to the needs of the arts groups, the GSA's requirements, and the unique character of the building, but also to the needs of the Lower Manhattan community.

The residential community in Lower Manhattan has grown enormously in recent years, but cultural opportunities have not kept up with this growth.

In the course of numerous meetings, we learned that the community did not want a major tourist attraction that would aggravate existing daytime traffic congestion. Their clear

preference was for performing-arts facilities which operate mainly in the evening. These would provide evening cultural activities for people who live and work in Lower Manhattan. In addition, the arts complex would stimulate evening pedestrian traffic; encourage restaurants and retail stores to extend their hours; and generally make the area livelier and safer after dark.

The Consortium proposal to the GSA was overwhelmingly endorsed by the Lower Manhattan Community Board (Community Board 1). It was also endorsed by:

--both United States Congressmen representing Lower Manhattan, Ted Weiss and Bill Green

--the heads of the National Endowment for the Arts, the New York State Council on the Arts and the NYC Department of Cultural Affairs

--Manhattan Borough President David Dinkins

--City Council President Andrew Stein and Lower Manhattan Councilmember Miram Friedlander

--State Senator Manfred Ohrenstein

--The Municipal Art Society

The proposal I have described was submitted to the GSA in a formal competitive bidding procedure. At least one other proposal was submitted in response to the GSA's October 1985 bid invitation. However, no proposal was submitted by the Museum of the American Indian.

In December 1985 we were informed by the GSA that the review of the submitted proposals would be postponed. The letter was not specific about the reasons. We had to read about those in the newspapers. As of this date, the proposals are still waiting to be reviewed.

The consortium's proposal for the Custom House seeks to fill certain needs. None of those needs has been diminished in the past 14 months. There is still a dearth of cultural facilities in Lower Manhattan. The streets around the Custom House are still pretty lonely after 8 o'clock. And the space problems of nonprofit arts groups have gone from bad to wretched.

As an example, of the 80 members of the Alliance of Resident Theatres, 33 urgently need new space; 11 have been or are being evicted; one has moved out of New York; and two have gone out of existence. The situation with dance companies is even worse.

This is not to say the Museum of the American Indian does not also have a legitimate need for new space. It does. But the Custom House is hardly its only option, and is certainly not its best option.

The Custom House is, in fact, a poor location for a major museum. The MAI has projected attendance of a million visitors a year. But parking in the area--what little there is of it--is already saturated by visitors to the Statue of Liberty and South Street Seaport. In addition, the completion of Battery Park City and of the projected Westway replacement roadway will probably eliminate the existing tour-bus layover area along West Street.

Other large museums in Manhattan have their own visitor parking facilities. There is no room to do this at the Custom House. The MAI will thus be handicapped in attracting school bus groups and suburban family visitors, which are major portions of its potential audience.

The MAI would be far better off next to the Museum of Natural History, which has a parking facility.

If the MAI can't resolve its differences with the Natural History Museum, there are large potential sites at Empire-Fulton State Park in Brooklyn (opposite South Street Seaport) and at Flushing Meadow Park in Queens.

Both of these sites are publicly owned; visually prominent, close to existing major visitor attractions; have good highway and mass-transit access; and ample parking. Neither one would require an Act of Congress.

I wrote to Mr. Force about the Fulton Landing site in September 1985. He never replied. More recently, I understand that he was sent information about the Queens site by the Corona-Flushing Meadow Development Corporation, which is an arm of the Queens Borough President's Office. I have seen nothing to indicate that the Museum has given serious consideration to either of these sites or even publicly acknowledged their existence.

THE PORT AUTHORITY OF NY & NJ

One World Trade Center
New York, N.Y. 10048

Sidney J. Frigand
Assistant Executive Director
Director of Public Affairs
(212) 466-7851
(201) 622-6600 x7851

February 25, 1987

The Honorable Daniel Patrick Moynihan
Chairman, Subcommittee on Water Resources,
Transportation and Infrastructure
Environment and Public Works Committee
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This is to express enthusiastic support for your efforts to locate the Museum of the American Indian at the historic U.S. Custom House in New York. It would be appreciated if this letter were made a part of the record of the recent subcommittee hearing held on the subject.

The proposal makes sense for many reasons. First, it solves a long-time problem of inadequate and multiple facilities for the Museum's collection and functions. Secondly, by meeting the physical plant needs of the Museum, any consideration of relocating the significant Heye Collection out of New York is eliminated. It is a most logical conclusion to the long search by Museum officials.

Thirdly, the old Customs House is, as you and Museum officers have noted, an appropriate site for the Museum of the American Indian. It would bring new life to two institutions, the Museum and the beautiful structure itself, the renovation of which has been a wonderful thing for this New Yorker to see.

Lastly, it will enhance the attraction of Lower Manhattan to visitors to the City. As a provider of services to those travellers to the New York and New Jersey metropolitan area and as an agency headquartered nearby the Custom House, the Port Authority would welcome the Museum's location here.

The Port Authority works cooperatively with the State of New York and the City to encourage tourism. The Custom House site will undoubtedly result in increased numbers of visitors by virtue of the improved display of the art and artifacts, the excitement of the coming together of historic collection and structure and the greater accessibility of the location to local and out-of-town travellers.

In closing, I wish to encourage all major actors in the decision process to support the proposed relocation and to offer the cooperation of the Port Authority of New York and New Jersey in those efforts.

Sincerely,

Sidney J. Frigand
Assistant Executive Director/
Government, Community and Public Affairs

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*NOT ADMITTED TO NEW YORK BAR
**CONSEIL JURIDIQUE IN FRANCE ONLY

February 20, 1987

Honorable Daniel P. Moynihan
United States Senator
Russell State Office Building
Suite 442
Washington, D.C. 20510

Honorable Alphonse M. D'Amato
United States Senator
110 Plaza
Suite 1635
New York, NY 10119

The Museum of the American Indian

Dear Senators:

I write in response to questions raised by Senator D'Amato at the hearing before the Senate Subcommittee on Water Resources, Transportation and Infrastructure on February 12, 1987, and to supplement the record with additional information regarding the usable floor space that would be available in the Custom House as the result of implementing the MAI's building plan, and the MAI's plans for financing relocation to the Custom House.

At the hearing, Senator D'Amato questioned whether the MAI's building plans for the Custom House (Exh. H to the MAI's Appendix) provide for sufficient usable space to meet the museum's program needs. We asked E. Verner Johnson and Associates to determine, based on the MAI's building plans, how much of the existing 457,908 gross square feet in

the Custom House would be usable by the MAI for its program needs.

Verner Johnson has provided us with an analysis, copies of which are enclosed, which calculates the usable area in the Custom House based on measurements of the colored areas depicted on the MAI's building plans. The analysis shows that there would be 347,578 net square feet of usable space in the Custom House after implementation of the MAI's building plan. This would more than adequately provide for the museum's space needs, which were determined in 1985 to be 316,830 net usable square feet.

Even if existing mechanical/electrical areas, which constitute 46,669 net square feet of usable space in the Custom House, are excluded from the analysis, there would still be 300,909 net square feet of usable space in the Custom House, more than enough to meet the MAI's needs (300,330 net square feet, excluding the 16,500 net square feet needed for mechanical/electrical facilities). Some or all of the usable square feet devoted to mechanical/electrical applications at the Custom House that exceeds the MAI's requirements (46,669 - 16,500 = 30,169 net square feet) could possibly be used by the museum for storage or other programs.

GSA's analysis of usable floor space in the Custom House is not inconsistent with Verner Johnson's analysis. William Diamond, GSA's Regional Administrator who testified before the Subcommittee last week, confirmed to me yesterday that GSA's analysis of usable area in the Custom House assumed "standard federal usage" and did not, as far as we can tell, compute usable area for the purposes of a museum. The two uses apparently are quite different. To the extent GSA's estimate of total gross square feet differs from the analysis of our expert, we must refer you to GSA for an explanation.

Senator D'Amato also questioned whether relocation to the Custom House would be financially feasible. The MAI Trustees recognize that substantial commitments of funds must be obtained in order for the MAI to relocate to the Custom House. We believe the best way to obtain those funds is to start soliciting pledges now. To that end, the Trustees have retained fund raising counsel, Kersting, Brown & Co., and are in the process of putting together a program to solicit pledges for capital contributions contingent on the Custom

House being made available to the MAI. We are confident that by July 1987, the MAI will be able to prove that it can raise all of the money required, over and above the $26 million pledged by the State and City, to finance relocation to the Custom House.

Please let me know if additional information would be helpful.

Respectfully yours,

Edward N. Costikyan

Edward N. Costikyan

BY HAND

USABLE AREA INDICATED ON THE MUSEUM OF THE AMERICAN INDIAN BUILDING USE PLANS (INCLUDING MECHANICAL/ELECTRICAL AREAS) 17 February 1987

Floor	Usable Space Colored on Plans
Sub-basement	62,281*
Basement	45,896**
First Floor	51,055
Second Floor	45,762
Third Floor	32,122
Fourth Floor	30,035
Fifth Floor	31,261
Sixth Floor	26,987
Seventh Floor	22,179
Total:	347,578 sq.ft.(1)

(1) Note: This area includes the existing mechanical/electrical areas on the Sub-basement and Basement Levels.

* includes 43,593 sq.ft. of mechanical/electrical spaces

** includes 3,076 sq.ft. of mechanical/electrical spaces.

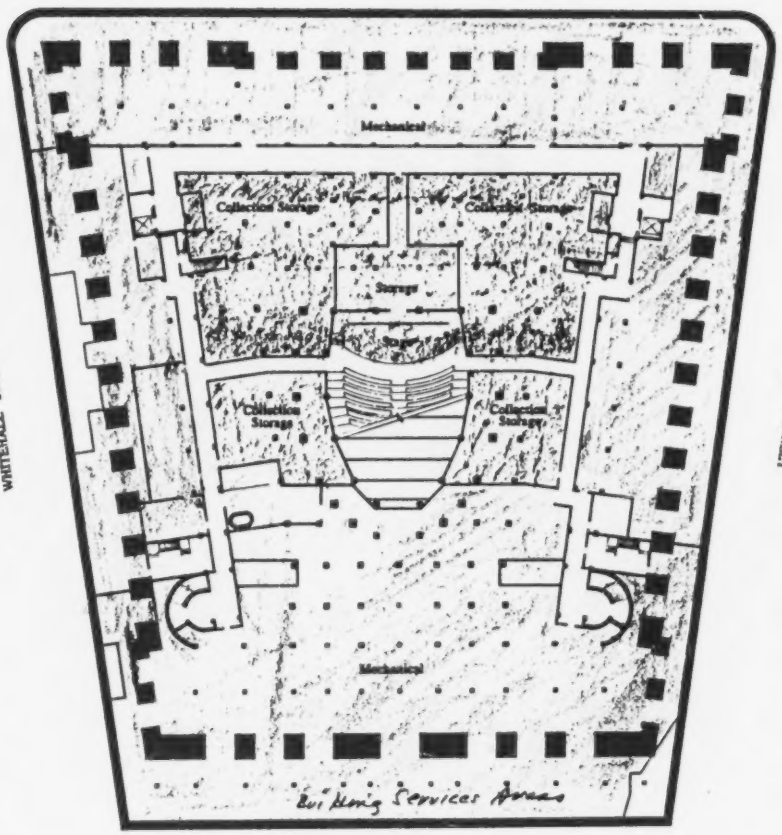
USABLE AREA INDICATED ON THE MUSEUM OF THE AMERICAN INDIAN BUILDING USE PLANS
(EXCLUDING MECHANICAL/ELECTRICAL AREAS) 17 February 1987

Note: Because mechanical/electrical areas are excluded from usable area on the Building Use Plans, it is also excluded from the total net (or usable) areas indicated in the facility program. After deduction of the 16,500 net sq.ft. indicated in that facility program, the total programmed net area would be 300,330 sq.ft.

Floor	Usable Space Colored on Plans
Sub-basement	18,688
Basement	42,820
First Floor	51,055
Second Floor	45,762
Third Floor	32,122
Fourth Floor	30,035
Fifth Floor	31,261
Sixth Floor	26,987
Seventh Floor	22,179
Total:	300,909 sq.ft.(1)

(1) Note: This area does not include any existing mechanical/electrical areas on the Sub-basement and Basement Levels.

BRIDGE STREET

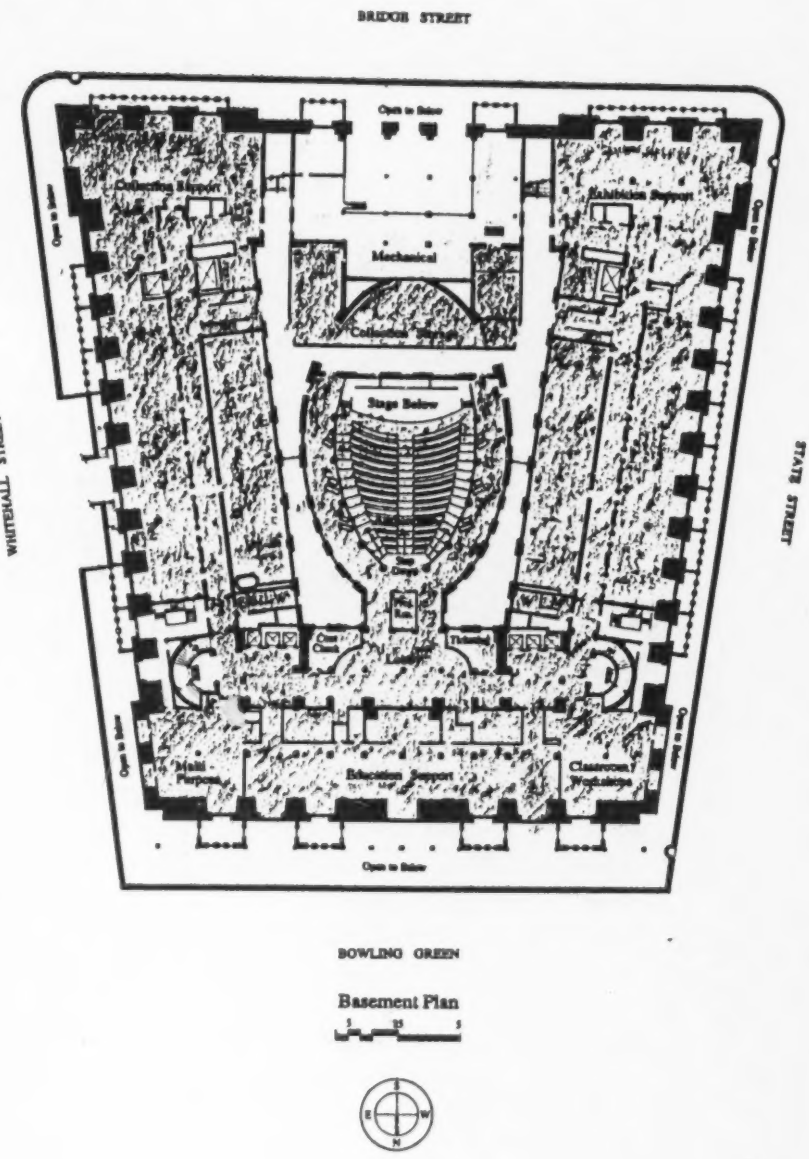


WHITEHALL STREET

STATE STREET

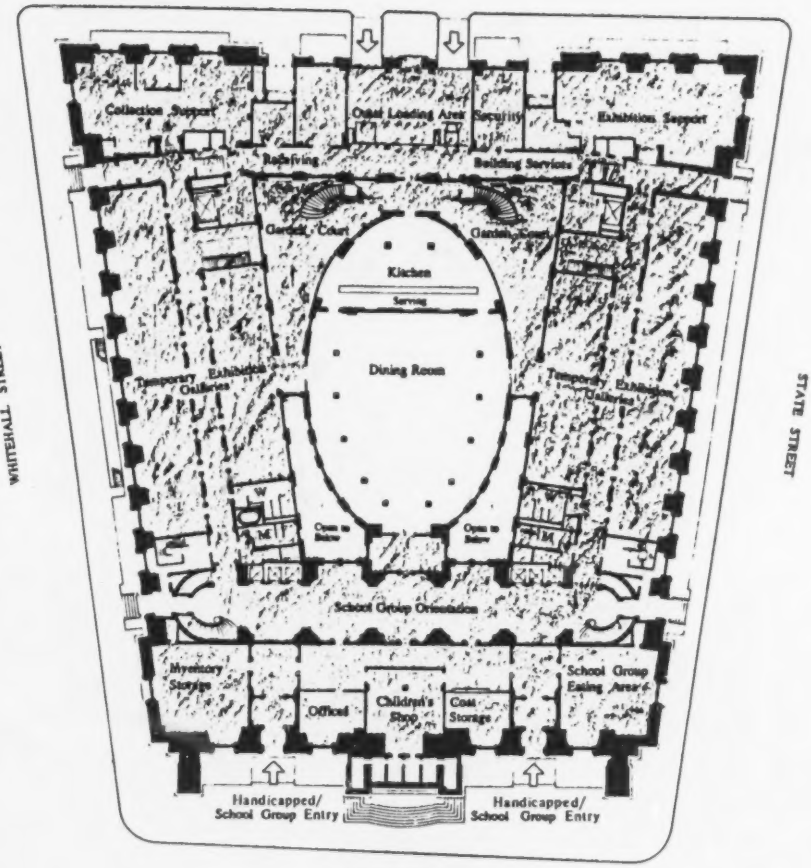
BOWLING GREEN

Sub-Basement Plan



Basement Plan

BRIDGE STREET



WHITEHALL STREET

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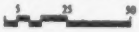
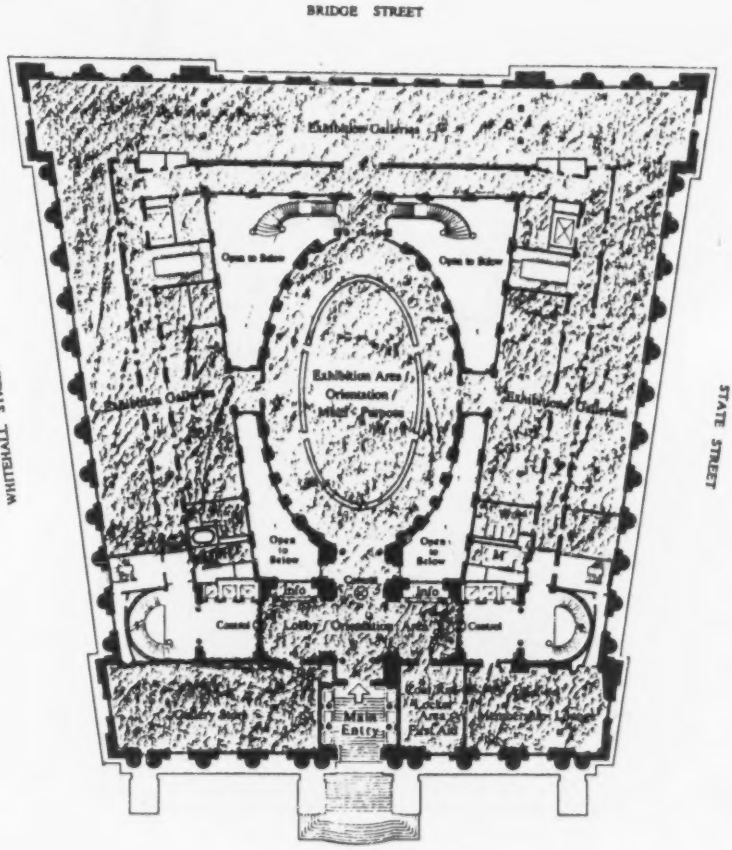
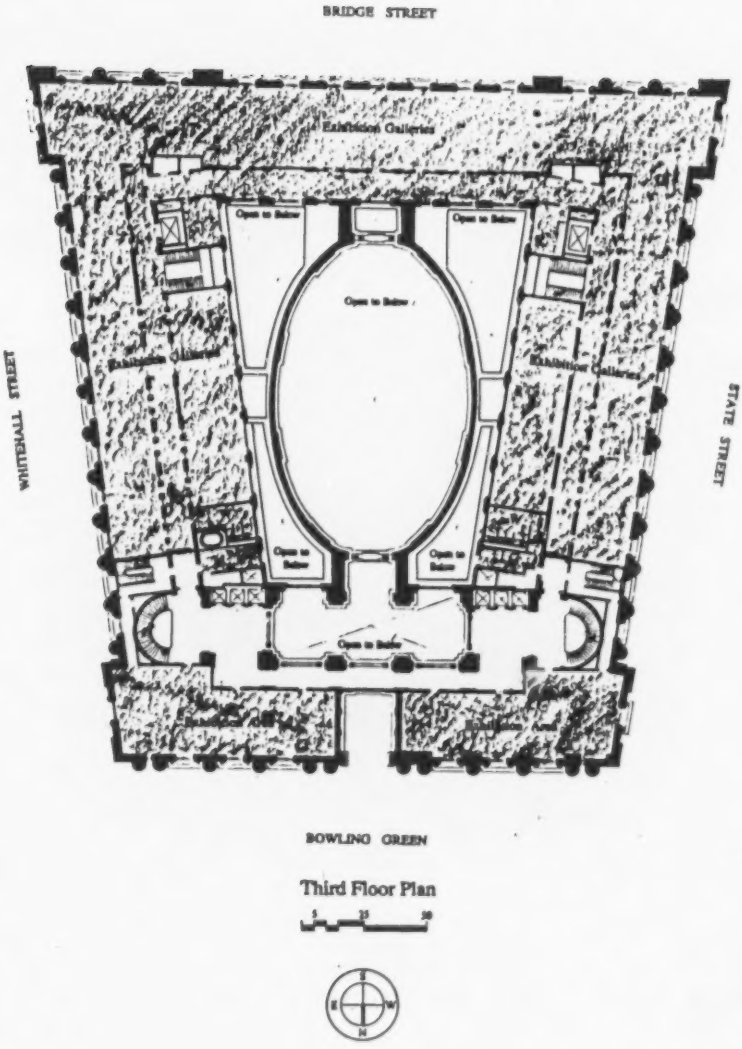
First Floor Plan




BRIDGE STREET
WHITEHALL STREET
STATE STREET
BOWLING GREEN
Exhibition Galleries
Open to Below
Exhibition Area / Orientation / Multi-Purpose
Info
Lobby / Orientation / Assembly
Main Entry
Second Floor Plan



Third Floor Plan

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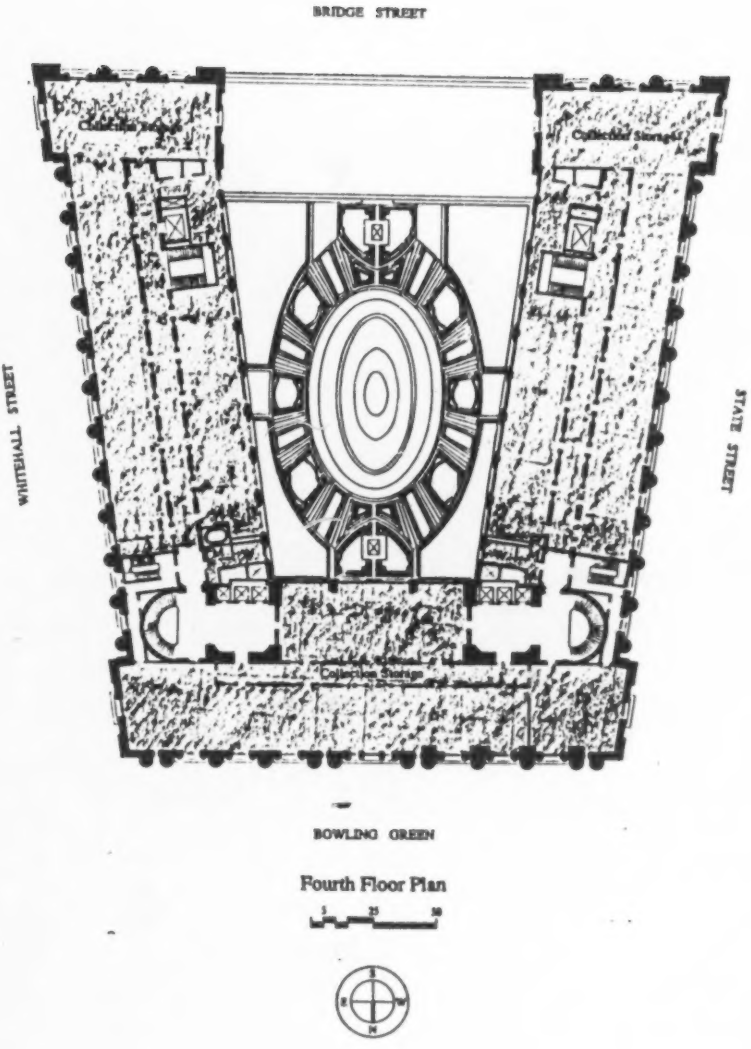
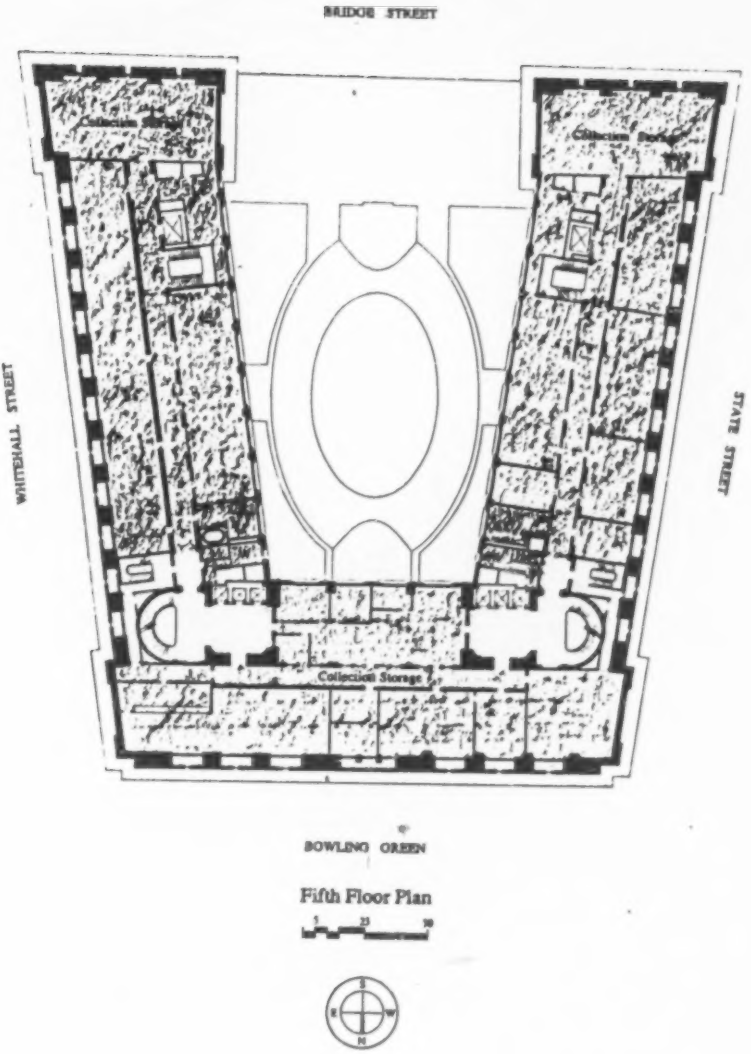
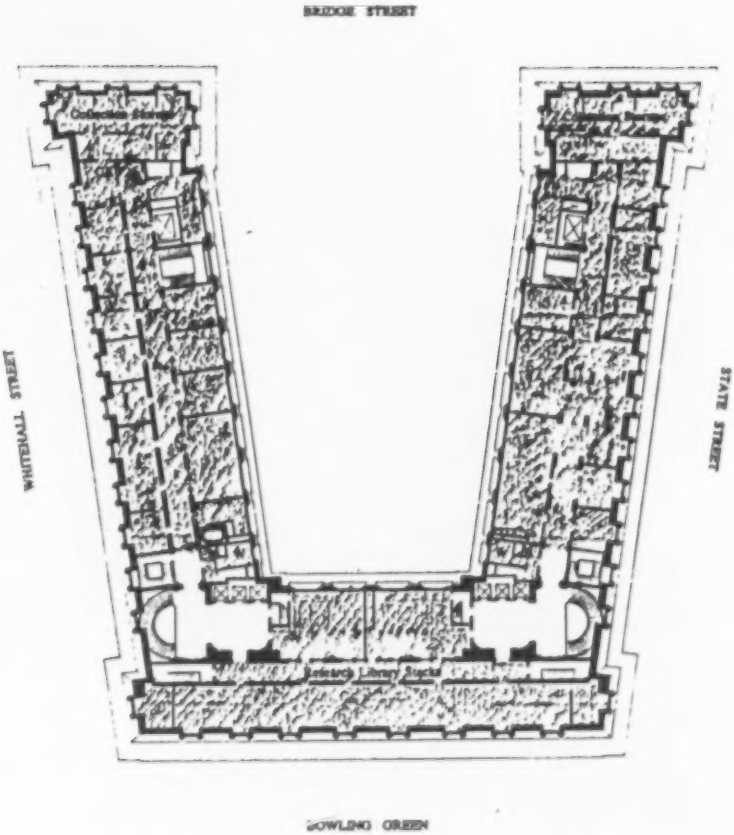
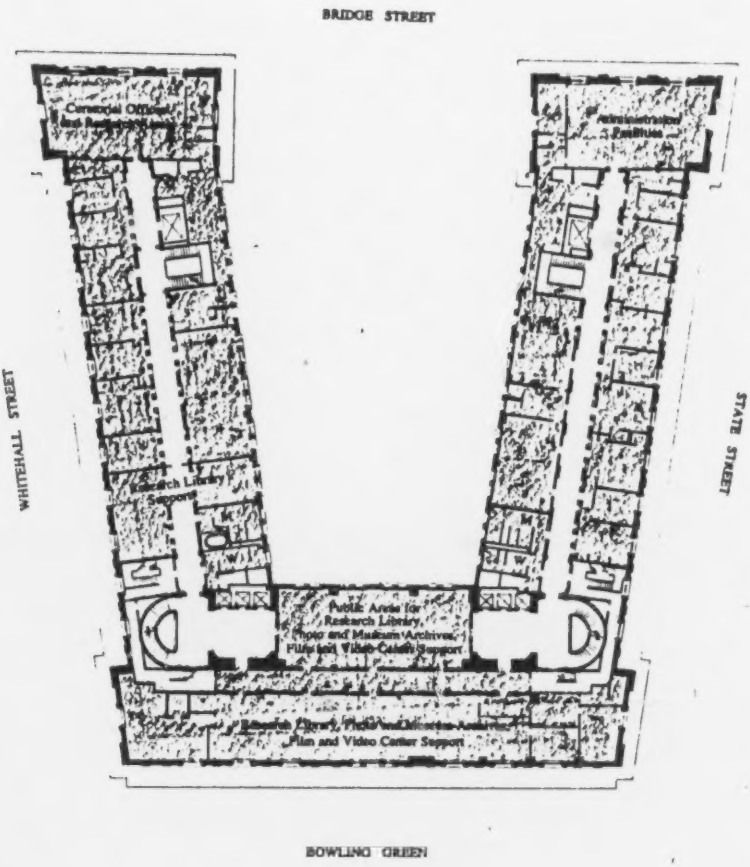


Fourth Floor Plan



Fifth Floor Plan


BROOME STREET
WHITEHALL STREET
STATE STREET
BOWLING GREEN
Seventh Floor Plan



Sixth Floor Plan

Custom House Archives
SUBSIDIARY OF:
HERITAGE INSTITUTE OF ELLIS ISLAND, INC.
P.O. BOX 811, BOWLING GREEN
NEW YORK, NEW YORK 10004

Testimony By

Sten Sture Nordine
President and CEO

HERITAGE INSTITUTE OF ELLIS ISLAND INC.

February 12th, 1987

AT

The SUB-COMMITTEE ON WATER RESOURCES,
TRANSPORTATION AND INFRASTRUCTURE OF THE SENATE
COMMITTEE ON ENVIRONMENT & PUBLIC WORKS

***

MR. CHAIRMAN, SENATOR D'AMATO, REPRESENATIVE WEISS:

ON BEHALF OF THE CUSTOM HOUSE ARCHIVES; MY NAME IS STEN STURE NORDIN - AND YES, MR. CHAIRMAN, A FELLOW COUNTRYMAN TO THE NORTH OF SWEDISH HERITAGE.

THE CUSTOM HOUSE ARCHIVES IS A GENEALOGICAL DATA/-BASE COMPUTER CENTER TO RECORD THE IMMIGRANTS OF ELLIS ISLAND FOR RESEARCH AND TO TRACE ONE'S FAMILY TREE. ALL OF THE COUNTRIES ARE REPRESENTED AND ALL BACKGROUND HERITAGE ARE INCLUDED IN THE STUDY. TO YOU SENATOR D'AMATO - THE INITIAL BASE OF STUDY ARE WITH THE ITALIAN IMMIGRANTS THRU THE WORK OF DR AUGUSTUS BOLINO AT CATHOLIC UNIVERSITY. SOME 2.7 MILLION NAMES ON RECORD.

THE CUSTOM HOUSE ARCHIVES HAS PROPOSED TO LEASE THE NON-PROFIT AREA ALLOWCATED BY THE G S A, FOR THE COMPUTER AND INCLUDING AN ORIENTATION CENTER FOR THE STATUE OF LIBERTY AND ELLIS ISLAND. THE UNITED STATES NATIONAL ARCHIVES IS ALSO SCHEDULED TO OCCUPY THE ADJACENT AREA. THEY ARE NOW LOCATED AT BAYONNE, N.J. - UNAVAILABLE TO THE PUBLIC.

THE MUSEUM OF THE AMERICAN INDIAN, AN ISSUE OF LONG STANDING AND WENT "PUBLIC" WHEN PRESENTED BY THE HONORABLE BARBER CONABLE (Former Chairman of MAI), WITH MR. PEROT"S OFFER TO MOVE THE MUSEUM OUT OF N.Y. STATE.

I WAS PLEASED TO MEET WITH THE HONORABLE CONABLE AND HE EXPRESSED TO THE REJECTION TO ANNEX WITH THE MUSEUM OF NATURAL HISTORY - "THE BUGS AND LEECHES" AND INDEED THE FOUNDER OF THE MUSEUM OF AMERICAN INDIAN, GEORGE GUSTAV HEYE SPECIFIED THE SAME FACT IN ITS CHARTER.

THE MUSEUM OF AMERICAN INDIAN BOARD AND STAFF TODAY EXPRESS THE SAME ATTITUDE. THEY REJECT TO BE A PART OF THE MUSEUM OF NATURAL HISTORY AND SHOULD SO BE HONORED.

WHERE THEN IF NOT THE MUSEUM OF NATURAL HISTORY ?? THE CUSTOM HOUSE IS INAPPROPRIATE FOR THE FOLLOWING BRIEF REASONS:

Continued....

Page two:

SPACE; THE CUSTOM HOUSE OFFERS 200,000 SQ FEET NOT THE 400,000 SQ FEET AREA REQUIRED BY THE MUSEUM OF AMERICAN INDIAN. ADDITIONALLY, THE BATTERY PARK SECTION WILL BECOME MORE CONGESTED, NOT LESS. ANY MUSEUM REQUIRES PARKING SPACE FOR BUS TRANSPORTATION OF THE SCHOOL SYSTEM - ITS PURPOSE.

FINANCE; THE MUSEUM OF AMERICAN INDIAN IS NEAR BANKRUPTCY. ITS FAILURE IS LACK OF MANAGEMENT AND FUND-RAISING. ITS DIRECTOR, DR. FORCE IS AN EXCELLENT CURATOR - EXHIBITS - AND DEVOTED TO THE INDIAN ARTIFACTS.

THE MUSEUM OF AMERICAN INDIAN BUDGET TODAY IS 1.5 MILLION. HOW THEN IS THE MAI TO CARE FOR A 60 MILLION STRUCTURE ? IN ADDITION TO THE SITE AT 155TH STREET ?? NOW TWO - NOT ONE - WHEN IT HAS FAILED AT ONE ?? THE EXCUSE OF THE MAI IS ITS LOCATION. WHEN IN FACT THE NUMISMATICS SOCIETY, A FEW FEET AWAY FROM THE MAI, RAISED OVER 1.5 MILLION IN A FEW WEEKS LAST MONTH.

LANDMARKED; THE CUSTOM HOUSE ROTUNDA AND THE TWO FRONT OFFICES ARE DEDICATED AND MUST REMAIN SO. ARE WE NOW TO VISIT TOTEM POLES IN THE ROTUNDA ?? WHERE ELSE TO EXHIBIT - 15 TO 20 FEET HIGH - PERHAPS AT THE FRONT DOOR ?? CASS GILBERT, THE ARCHITECT ENVISIONED A COMMERCIAL OR TAX OFFICE IDENTITY. HE ENGRAVED THE EUROPEAN HERITAGE ON HIS BUILDING. THE STATUETTES STAND TALL ON THE CORNICE OF THE BUILDING. IRONIC IT WOULD SEEM, TO GREET THE INDIAN VISITOR BY THE EUROPEANS WHO DISTROYED THEM.

IN REGARD TO THE MUSEUM OF AMERICAN INDIAN AND THE CUSTOM HOUSE. I WOULD PRESENT IT WAS A PLOY. A PLOY STRATEGY THAT WENT WRONG. THE MAI OBSERVED HOW THE HOLOCAUST COMMISSION USED THE CUSTOM HOUSE FOR LEVERAGE TO OBTAIN FREE SPACE AT BATTERY PARK CITY. THE HOLOCAUST GROUP WAS TOTALLY INAPPROPRI-ATE FOR THE CUSTOM HOUSE. THE PLOY WORKED.

WHERE THEN IF NOT THE CUSTOM HOUSE ??

THE INSTITUTE PROPOSES THAT THE CITY AND STATE OF

Continued...

Page three:

NEW YORK SELECT THE FORMER NEW YORK STATE PAVILLION DURING THE 1964 WORLD'S FAIR AS THE NEW AND PERMANENT HOME FOR THE MUSEUM OF THE AMERICAN INDIAN.

WE PROPOSE THAT THE PRESENT STRUCTURE BE ENCLOSED AND THAT THE FLOORS BE CONSTRUCTED WITH VARIABLE HEIGHTS AND FLOOR PLANS TO PERMIT MAXIMUM LIGHT PENETRATION AND VISUAL ACCESS TO THE OUTSIDE. THIS WOULD RESULT IN A MAXIMUM OF APPROXIMATELY 500,000 SQ FEET. (10 to 6 FLOORS.

THE FACILITY IS LOCATED IN CLOSE PROXIMITY TO THE NEWLY OPENED HALL OF SCIENCE, BOTANICAL GARDEN, AND THE QUEENS MUSEUM. THE ZOO IN THE PARK WILL BE REHABILITATED AND TAKEN OVER BY THE N Y ZOOLOGICAL SOCIETY. THE PARK ALSO CONTAINS SHEA STADIUM AND THE NATIONAL TENNIS CENTER.

THE CITY'S INVESTMENT IN THE NEARBY CULTURAL INSTITUTIONS AND THE DRAW OF MILLIONS OF VISITORS TO THE EVENTS IN THE PARK WOULD BE COMPLEMENTED BY THE INCLUSION OF THE MUSEUM OF THE AMERICAN INDIAN. THE LAND AREA OUTSIDE OF THE FACILITY WOULD ALSO SERVE TO EXHIBIT SOME OF THE MUSEUMS COLLECTION AND ADD SIGNIFICANTLY TO THE PARK.

HISTORICALLY, THE PARK IS BEST KNOWN AS THE SITE OF TWO WORLDS FAIRS. PRIOR TO THE DISCOVERY OF AMERICA, IT SERVED THE NATIVE AMERICANS AS A PLACE OF COMMERCE. AS AN ESTUARY, IT WAS WELL TRAVELED AND POSSIBLY THE BORDER BETWEEN THE ROCKAWAY AND CANARSIE INDIAN TRIBES OF THE ALGONQUIN NATION.

THE NEEDS OF THE AMERICAN INDIAN MUSEUM ARE FOR EXHIBIT SPACE, WAREHOUSING, AND RESEARCH. THE LOCATION OF THE PARK IS WITHIN EASY REACH OF THEIR WAREHOUSES IN THE BRONX, IT IS ACCESIBLE BY PUBLIC TRANSPORTATION, AND WITHIN CLOSE PROXIMITY TO EDUCATIONAL INSTITUTIONS FROM WHICH THE MAI CAN DRAW SUPPORT. THE SITE IS AVAILABLE AND WAITING FOR A NEW LIFE. THE COST OF SAVING THESE TWO INSTITUTIONS, THE MUSEUM AND THE

Continued...

Page four:

PAVILLION, FOR THE PEOPLE OF CITY AND STATE IS FAR LESS THAN THE COST OF DEMOLITION OF THE FACILITY AND THE LOSS OF THE MUSEUM OF AMERICAN INDIAN.

IN CONCLUSION: SENATOR D'AMATO - YOU HAVE STATED THE FACT. THE G S A HAS NOW SPENT 48 MILLION TO ACCOMMODATE THE COURT. ARE WE NOW TO RELOCATE AT AN ADDITIONAL 60 MILLION INITIAL EXPENSE - PAYING OUT 108 MILLION. SEEK A LEASE OR BUILD, IN THE HIGHEST COST PER SQ FOOT AREA OF MANHATTAN, FOR THE COURT OF YET ANOTHER 200 MILLION - YOUR FIGURE SENATOR D'AMATO WOULD BE CORRECT AT 300 MILLION TO PLACE THE COURT, WHEN IN FACT, THE CUSTOM HOUSE SUITS ITS NEEDS AND BRINGS DIGNITY TO THE STRUCTURE.

WE ARE PREPARED TO MEET WITH YOU MR. CHAIRMAN, SENATOR D'AMATO, REPRESENATIVE WEISS OR OTHERS OF WHOM IT MAY CONCERN, TO PRESENT OUR PLAN. WE LOOK FORWARD TO HEARING FROM YOU.

IN TESTIMONY.

STEN STURE NORDINE
CUSTOM HOUSE ARCHIVES
HERITAGE INSTITUTE OF ELLIS ISLAND INC.

19 East 48th Street, Suite 603
New York City, New York 10017
212 308-9580

NATIONAL SOCIETY OF MURAL PAINTERS

41 EAST 65th STREET • NEW YORK, N. Y. 10021

THE MURAL PAINTERS
INCORPORATED 1895

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DEAN FAUSETT
Executive Committee
Dr. GEORGE E. HEWES
Special Advisor
CHARLES BASKERVILLE

February 21, 1987

The Honorable Daniel P. Moynihan
United States Senate
733 Third Avenue
New York, New York 10017

ATTN: Jeff Viohl

Dear Senator Moynihan:

During a recent trip to New York I was able to speak with Jeff Viohl about the old Customs House. We discussed the legislation which you are so admirably sponsoring to make possible the occupancy of the stunning landmark by the Museum of the American Indian - Heye Foundation.

I am enclosing a copy of my letter to Donald Weston, President of the Fine Arts Federation of New York. My appeal to Mr. Weston implied that all nineteen societies in the Federation support your legislation. The Museum will have tremendous appeal for all Americans as an important historic preservation of the heritage of the original Americans.

Mr. Weston informed me in an enthusiastic telephone conversation that his Council will meet on March 3rd and this matter will be discussed. I think it would be helpful if Jeff Viohl could contact him about this coming meeting and perhaps attend. (Donald Weston, President, Fine Arts Federation of New York, 100 Remsen Street, 6K, Brooklyn, New York 11201, (718) 875-6561.)

From the enclosed article in the New York Time, the demands of the American Indian Community in New York seem to want to oppose the general plan and demand space in the Customs House. This may be an obstacle to acquiring the space for the Museum Collection. I speak on this matter as I am aware of the many services which the Federal Government sponsors through the American Indian Community. I did social work for several years at the Henry Street Settlement and feel deeply for the administration of these services.

It is my understanding that the New York City, Department of Education has closed many schools in the five Boroughs and these buildings are vacant and have not only great spaces, but health facilities, such as, swimming pools, gymnasiums, etc. This might be an asset for the American Indian Community programs and would be far more accessible than the isolation from those whom they serve.

They would experience such an isolation should they be housed in the Customs House. It seems that both organizations are structured so differently that they must be given different considerations.

The architects in the Fine Arts Federation may be of greater help to your Committee in this important matter.

Most sincerely,

Dean Fausett

DF/s

Dr. Dean Fausett
President Emeritus

Copy: Dr. Force
D. Weston

Dr. Dean Fausett
RR #1, Box 865
Dorset, Vermont 05251
(802) 867-5527

NATIONAL SOCIETY OF MURAL PAINTERS

41 EAST 65th STREET • NEW YORK, N. Y. 10021

INCORPORATED 1895

February 17, 1987

COPY

Donald Weston
President
Fine Arts Federation Of New York
100 Remsen Street
6K
Brooklyn, New York 11201

Dear Don:

I feel the Fine Arts Federation of New York should give immediate support to Dr. Roland W. Force and the Museum of the American Indian in his efforts to occupy the old Customs House.

The Museum of the American Indian - Heye Foundation under his excellent guidance as its director has been able to get the Federal Government to create legislation which will make it possible for this fine collection to be housed permanently in this beautiful building.

This is an excellent choice for this prize winning American architectural masterpiece.

As you can see by the enclosed article from the New York Times, a group from the American Indian Community is demanding to occupy a large part of this wonderful building which will barely hold the Museum's collection. In their effort to oppose the plan advanced in the Congress and Senate, they may upset the progress already made.

I feel the Federation should take a stand supporting Dr. Force's position.

It seems that the fine programs which the Indian Community supports, such as, job training, housing assistance and alcohol and drug counseling for 14,000, Indians in New York would not be able to function in the Battery Park, but should be located in Manhattan where their services can be more effective. Perhaps in the quarters left vacant on 155th Street and Broadway after the Museum is moved.

COPY

May I personally thank you for your consideration at this time.

Most sincerely,

DF/s

Dean Fausett
President Emeritus

Incls.

Copy:Senator Moynahan
Alton Tobey
Hank Prussing
Nantandy
Dr. Force

Dean Fausett
RR #1, Box 865
Dorset, Vermont 05251
(802) 867-5527

* Dr. Force tells me that exhibitions will continue at 155th Street & Broadway, N.Y.

NEW YORK LANDMARKS CONSERVANCY

February 24, 1987

The Hon. Daniel Patrick Moynihan
U.S. Senator
733 Third Avenue
New York, New York 10017

Dear Senator Moynihan:

As you are aware, the New York Landmarks Conservancy has had an ongoing interest in the preservation and re-use of the U.S. Custom House on Bowling Green since our organization's inception fourteen years ago. We have followed with interest as several uses for the space have been proposed, and most subsequently rejected, in the past few years. We also attended the recent hearing of the Senate Committee on Environment and Public Works regarding the proposed transfer of the Custom House to the Museum of the American Indian. However, the Conservancy is not so much concerned with the particular organization chosen to take over the building, as with its future accessibility and care.

We are very much concerned that the historically and architecturally significant spaces in the building remain open to the public and that they are restored and preserved in a way that does not compromise their architectural integrity. As owner of the building, the federal government is in a position, in contracting with the new user or owner, to ensure that the interests of the public are also served in the re-use of the building by assuring public accessibility and conformance with the Secretary of the Interior's Standards for Rehabilitation.

Sincerely,

Edgar A. Lampert
President

New York Landmarks Conservancy
130 West 42nd Street
New York, New York 10036
212-736-7878

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